

Enforcement Case Report

Case #: MA-2013-0046-US1350
U.S. DOT #: 954187
EIN #: 13-4171659
Subject: Fung Wah Bus Transportation, Inc.
25 Edinboro Street, 3rd Floor
Boston, MA 02111

Violations	Violation Description	Number Discovered	Number Documented
382.301(a)	Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.	1	1
382.303(a)	Failing to conduct post accident alcohol testing on driver following a recordable crash.	1	1
390.15(b)	Failing to maintain, for a period of three years after an accident occurs, an accident register.	1	1

Investigation Assigned	1/10/2013	Reviewed by: Steven Hanley
Investigation Completed	2/6/2013	Title: Federal Programs Specialist
Date NOC Served	2/28/2013	Date: 2/27/2013

Safety Investigator's Signature _____

Code #: US1350

Continuation Sheet

DESCRIPTION OF SUBJECT:

See Fung Wah Bus Transportation, Inc's 02/06/2013 compliance review parts A and C for additional information.

REASON FOR CONTACT:

The contact reason was in response to Fung Wah Bus Transportation, Inc. having a driver/commercial motor vehicle involved in a recordable accident with pedestrians in a crosswalk at New York City, NY.

ENFORCEMENT REASON:

Enforcement action is being taken against Fung Wah Bus Transportation, Inc. because during the compliance review, it was discovered that the carrier was not complying with Part(s) 382, 383 & 390 of the Federal Motor Carrier Safety Regulations (FMCSRs).

Specifically in Part 382, Fung Wah Bus Transportation, Inc. used a driver before the motor carrier has received a negative pre-employment controlled substance test result. Also, the carrier failed to conduct post accident alcohol testing on driver following a recordable crash.

Specifically in Part 383, Fung Wah Bus Transportation, Inc. has allowed its driver to operate a commercial motor vehicle without a valid commercial driver's license in violation of restrictions.

Specifically in Part 390, Fung Wah Bus Transportation, Inc. has been failing to maintain an accident register.

KNOWLEDGE AND WILLFULNESS:

See Exhibit Letter A, C, and D for additional information.

Exhibit Letter A contains Fung Wah Bus Transportation, Inc's current Motor Carrier Identification Report (MCS-150); their previous USDOT Compliance Review; an Amended NOC; a Settlement Agreement; a warning letter and their current company safety profile.

Exhibit Letter C contains Fung Wah Bus Transportation, Inc's Letter of Enrollment in St. Louis MRO, Inc's Lancer Consortium since Year 2006 to current and a copy of their current drug and alcohol policy.

Exhibit Letter D contains a statement supporting the violations documented in this report from Fung Wah Bus Transportation, Inc's President Liang, Pei Lin. The statement is witnessed and signed by Manager Chan, Yat Kuen (a.k.a. Andy).

DEFENSES:

None.

ADDITIONAL INFORMATION:

None.

REVIEWER NOTES

Case Number: MA-2013-0046-US1350

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 954187	Legal: FUNG WAH BUS TRANSPORTATION INC	
		Operating (DBA):	
MC/MX #: 405969		Federal Tax ID: 13-4171659 (EIN)	
Review Type: Compliance Review (CR)			
Scope:	Principal Office	Location of Review/Audit: Company facility in the U. S.	Territory:
Operation Types		Business: Corporation	
Carrier: Non-HM	N/A	Gross Revenue: \$6,516,218.88 for year ending: 12/31/2012	
Shipper: N/A	N/A		
Cargo Tank: N/A			
Company Physical Address:			
25 EDINBORO STREET 3RD FLOOR BOSTON, MA 02111			
Contact Name: Liang, Pei Lin			
Phone numbers: (1) 617- 338-8308		(2) 9173357389	Fax 6173381163
E-Mail Address: fungwahbus1997@yahoo.com			
Company Mailing Address:			
25 EDINBORO STREET 3RD FLOOR BOSTON, MA 02111			
Carrier Classification			
Authorized for Hire			
Cargo Classification			
Passengers			
Does carrier transport placardable quantities of HM? No			
Is an HM Permit required? N/A			
Driver Information			
	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:			Total Drivers: 36
>= 100 Miles:	36		CDL Drivers: 36
Equipment			
	Owned	Term Leased	Trip Leased
Motor Coach	29	0	0
Power units used in the U.S.: 29			
Percentage of time used in the U.S.: 100			





FUNG WAH BUS TRANSPORTATION INC

U.S. DOT #: 954187

Review Date:

02/06/2013

Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

50 Mall Road, Suite 212

Burlington, MA 01803

Phone: (781)425-3210 Fax:(781)425-3225

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Chan, Yat Kuen (Andy)

Title: MA South Station Manager

Name: Shery Liu & Li Ly Li

Title: MA Office Clerks





Part B Violations

1 FEDERAL	Primary: 40.13(c) Secondary: 382.105	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
Description Conducting tests on a urine or breath specimen not authorized by 49 CFR Part 40. Example Employee Name b6,b7c ; Trip Date 10/13/2012; Unauthorized test description and date - DOT Pre-Employment Alcohol Test collection dated 09/22/2012 and MRO verified on 09/25/2012. DOT Pre-Employment Alcohol Tests are not required.					
2 FEDERAL	Primary: 40.15(d) Secondary: 382.105	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Permitting a service agent to perform the functions of the Designated Employer Representative. Example Service Agent Name - St. Louis MRO, Inc. (636) 461-1300; Trip Date - 01/12/2013; DER Function Performed - Service agents are prohibited from acting as DERs under any circumstances (Also, see copy of Fung Wah's Drug and Alcohol Policy for additional).					
3 FEDERAL	Primary: 40.25(d) Secondary: 382.105	Discovered 4	Checked 8	Drivers/Vehicles In Violation 4	Checked 8
Description Failing to obtain, and failing to record the manner of trying to obtain background information on drug and alcohol information of a prospective driver as prescribed in 40.25 and then using that driver after 30 days from his/her first performing safety-sensitive functions. Example Driver Name b6,b7c ; Trip Date 8/24/2012					
4 FEDERAL	Primary: 40.25(j) Secondary: 382.105	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
Description Failing to ask employee if any pre-employment test conducted in the preceding two years resulted in a positive test result or refusal to test. Example Employee Name b6,b7c ; Trip Date 01/07/2013					
5 FEDERAL	Primary: 40.227 Secondary: 382.105	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
Description Using the Alcohol Testing Form (ATF) for non-DOT tests, or non-DOT forms for DOT tests. Example Employee Name b6,b7c Trip Date 12/22/2012; Alcohol Testing Form dated 09/11/2012.					





Part B Violations

6 FEDERAL	Primary: 382.301(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Driver Name b6,b7c ; Trip Date 01/13/2013; Hire Date b6,b7c ; Pre-Employment Drug Test Result MRO verified on 01/14/2013.					
7 FEDERAL	Primary: 382.303(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to conduct post accident alcohol testing on driver following a recordable crash. Example Driver Name b6,b7c ; Accident Date 01/07/2013 No Post Accident DOT Alcohol Test as required. Recordable accident with two pedestrians resulting in bodily injuries to a person(s) who, as a result of the injury, immediately received medical attention away from the scene of the accident and driver was cited for Failing to Yield to Pedestrians in Crosswalk (see NYPD Ticket #AAS0141400 for additional).					
8 FEDERAL	Primary: 382.305(i)(2)	Discovered 10	Checked 36	Drivers/Vehicles In Violation 10	Checked 36
Description Failing to ensure that each driver selected for random alcohol and controlled substances testing has an equal chance of being selected each time selections are made. Example Driver Name b6,b7c ; Trip Date 01/29/2013 Five currently employed driver names need to be added to the list and five terminated driver names need to be removed from the list. There are a total of 36 active drivers at present.					
9 FEDERAL	Primary: 382.601(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Failing to provide to employees a written policy on misuse of alcohol and controlled substances. Example Driver Name b6,b7c ; Trip Date 01/29/2013 Fung Wah Bus Transportation, Inc's Drug and Alcohol Testing Policy does not contain all of the required content.					
10 FEDERAL	Primary: 383.23(a) Secondary: 383.23(a)(2)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
Description Operating a commercial motor vehicle without a valid commercial driver's license. Example Driver Name b6,b7c ; Trip Date 08/14/2012 Fung Wah Bus Transportation, Inc's Driver (b)(6) (b)(7)c Operated a commercial motor vehicle in violation of restriction by not wearing his corrective lenses as required when stopped for inspection and displayed by the letter "B" upon his New York State Class B CDL.					





Part B Violations

11 FEDERAL	Primary: 390.15(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to maintain, for a period of three years after an accident occurs, an accident register. Example Driver Name b6,b7c ; Trip Date 01/07/2013 Recordable accident involving a commercial motor vehicle and two pedestrians resulting in bodily injury to a person who, as a result of the injury, immediately received medical attention away from the scene of the accident.				
12 FEDERAL	Primary: 391.21(a)	Discovered 3	Checked 8	Drivers/Vehicles In Violation Checked
Description Using a driver who has not completed and furnished an employment application. Example Driver Name b6,b7c ; Trip Date 08/14/2012				
13 FEDERAL	Primary: 391.23(a)	Discovered 5	Checked 8	Drivers/Vehicles In Violation Checked
Description Failing to investigate driver's background. Example Driver Name b6,b7c ; Trip Date 01/07/2013 Fung Wah failed to investigate driver's background within 30 days of the hire date.				
14 FEDERAL	Primary: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. Example Driver Name b6,b7c ; Trip Date 05/16/2012; Place - New York (Speeding 15 or more miles per hour over the speed limit 66 in a 50 zone). 01/20/2013 the FMCSA and State or local commercial vehicle safety partners have identified violations across multiple inspections at the roadside over the previous 24 months that are reflected in the Unsafe Driving BASIC of the Carrier Safety Measurement System.				
15 FEDERAL	Primary: 395.5(a)(1)	Discovered 1	Checked 214	Drivers/Vehicles In Violation Checked
Description Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours. Example Driver Name b6,b7c ; Trip Date 12/29/2012. The driver was in violation of the 10 Hr Rule on 12/29/2012 from 10:30 p.m. to 10:45 p.m. He drove 10.25 hrs.				





Part B Violations

16 FEDERAL	Primary: 395.5(b)(2)	Discovered 2	Checked 165	Drivers/Vehicles In Violation 1	Checked 7
Description Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days. Example Driver Name b6,b7c ; Trip Date 12/29 & 31/2012. During the 8-day period from 12/24/2012 - 12/31/2012, the driver was in violation of the 70 Hr Rule on 12/31/2012 from 8:15 p.m. to 09:45 p.m. and again from 10 p.m. to 10:15 p.m. He drove 71.75 hrs or 1.75 hrs over 70. The second violation was discovered during the 8-day period from 12/22/2012 - 12/29/2012, the driver was in violation of the 70 Hr Rule on 12/29/2012 from 9:15 p.m. to 10:45 p.m. He drove 71.50 hrs or 1.50 hrs over 70.					
17 FEDERAL	Primary: 395.8(f) Secondary: 395.8(f)(3,4,11, 12)	Discovered 118	Checked 214	Drivers/Vehicles In Violation 6	Checked 7
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example Driver Name b6,b7c ; Trip Date 08/14/2012 Drivers are not completing all of the required information upon each day's log page as required such as the date, total miles driving today, total hours, shipping document numbers or name of shipper and commodity.					
18 FEDERAL	Primary: 395.8(j)(2)	Discovered 2	Checked 7	Drivers/Vehicles In Violation 2	Checked 7
Description Failing to obtain from driver used for the first time or intermittently, a signed statement giving the total time on duty during the preceding 7 days and time at which last relieved from duty. Example Driver Name b6,b7c ; Trip Date 10/13/2012; Hired b6,b7c 2 No 7-day statement.					
19 FEDERAL	Primary: 396.9(d)(3)	Discovered 20	Checked 80	Drivers/Vehicles In Violation 20	Checked 80
Description Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business. Example Date of Inspection 02/12/2012; New York State Department of Transportation #NYMC18001471; Driver b6,b7c ; Vehicle I.D. #62 with MA License Plate #85962.					
20 FEDERAL	Primary: 396.11(b)	Discovered 37	Checked 210	Drivers/Vehicles In Violation 7	Checked 7
Description Failing to ensure driver vehicle inspection report is complete and accurate. Example Driver Name b6,b7c ; Vehicle I.D. #120; Date of Report 01/07/2013					





FUNG WAH BUS TRANSPORTATION INC
U.S. DOT #: 954187

Review Date:
02/06/2013

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 2,847,560
Recordable Accidents 1
Recordable Accidents/Million Miles 0.35

OOS Vehicle (CR): 0

Number of Vehicle Inspected (CR): 0

OOS Vehicle (MCMIS): 0

Number of Vehicles Inspected (MCMIS): 8

Your proposed safety rating is :

SATISFACTORY

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





Part B Requirements and/or Recommendations

1. Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at: <http://www.fmcsa.dot.gov/forms/print/accident.htm>
2. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
3. A copy of your carrier profile can be obtained for \$20 from the SAFER website (<http://safer.fmcsa.dot.gov>) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.
4. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
5. Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.
6. You are required to ask all driver-applicants if they have ever during the previous two years from date of application tested positive on any pre-employment test for a job where they were not hired. If yes, you must ensure driver-applicant participated in the evaluation and treatment process and require documents to support such participation.
7. You are required to, within 30 days and after obtaining an employee's written consent, request the information listed below about the employee. This information must be requested from DOT-regulated employers who have used the employee during the preceding two years. The information required to be obtained includes: (1) Alcohol tests with a result of 0.04 or higher alcohol concentration; (2) Verified positive drug tests; (3) Refusals to be tested (including verified adulterated or substituted drug test results; (4) Other violations of DOT agency drug and alcohol testing regulations; and (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). You must obtain and review the information as soon as possible. However, you must not permit the employee to perform safety-sensitive functions after 30 days unless you have obtained or made and documented a good faith effort to obtain this information.
8. Post-accident testing is required when any person involved in the accident has been fatally injured, or when the driver received a citation for a moving traffic violation in connection with the accident (as defined in Sec. 390.5). If a test required by this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request. In post-accident testing, the use of police alcohol tests may be used in lieu of a motor carrier test where police will make results available.
9. Ensure all drivers subject to drug and alcohol testing are actively participating in a random drug and alcohol testing pool. Add new drivers to pool upon hire-date and/or remove drivers from pool upon termination-date.
10. You are required to ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR. **DO NOT UNDER ANY CIRCUMSTANCES ALLOW AN EMPLOYEE TO PERFORM A SAFETY SENSITIVE FUNCTION UNTIL YOU HAVE RECEIVED A NEGATIVE PRE-EMPLOYMENT DRUG TEST RESULTS.**





Part B Requirements and/or Recommendations

11. Ensure that drivers selected for random drug and/or alcohol tests are tested within the selection cycle
12. Maintain all required controlled substance testing records including random selections, test results, yearly summaries, quarterly summaries, test information, test results, records of training, and any other records related to the administration of your drug and alcohol testing program as required by 49 CFR Parts 40 and 382 of the FMCSR
13. Remember to provide all CDL employees with a written drug and alcohol testing policy in accordance with 382.601. Policy must include educational materials regarding substance abuse and alcohol misuse.
14. (a) Each motor carrier and intermodal equipment provider must do the following:
 - (1) Make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative, or authorized third party representative within such time as the request or investigation may specify.
 - (2) Give an authorized representative all reasonable assistance in the investigation of any accident, including providing a full, true, and correct response to any question of the inquiry.(b) For accidents that occur after April 29, 2003, motor carriers must maintain an accident register for three years after the date of each accident. For accidents that occurred on or prior to April 29, 2003, motor carriers must maintain an accident register for a period of one year after the date of each accident. Information placed in the accident register must contain at least the following:
 - (1) A list of accidents as defined at §390.5 of this chapter containing for each accident:
 - (i) Date of accident.
 - (ii) City or town, or most near, where the accident occurred and the State where the accident occurred.
 - (iii) Driver Name.
 - (iv) Number of injuries.
 - (v) Number of fatalities.
 - (vi) Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident, were released.
 - (2) Copies of all accident reports required by State or other governmental entities or insurers.
15. On March 30, 2004, FMCSA published a final rule requiring employers to review a candidate's safety performance history data within 30 days of hiring a new driver. The final rule enables prospective employers to obtain and use more complete driver safety performance history during the hiring process. Prospective employers are required to, at a minimum, investigate a driver's employment information, accident record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

All previous employers are required to respond to the investigating employer within 30 days of receiving the investigation request.

Employers are required to, within 30 days and after obtaining an employee's written consent, request the information listed below about the employee. This information must be requested from DOT-regulated employers who have used the employee during the preceding two years. The information required to be obtained includes: (1) Alcohol tests with a result of 0.04 or higher alcohol concentration; (2) Verified positive drug tests; (3) Refusals to be tested (including verified adulterated or substituted drug test results; (4) Other violations of DOT agency drug and alcohol testing regulations; and (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). You must obtain and review the information as soon as possible. However, you must not permit the employee to perform safety-sensitive functions after 30 days unless you have obtained or made and documented a good faith effort to obtain this information.

For more information on these regulations, please access FMCSA's Web site at www.fmcsa.dot.gov.





Part B Requirements and/or Recommendations

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

17. Ensure that drivers provide a 10-year employment history on their employment application.
18. Do not allow physically unqualified drivers to drive in interstate commerce.
19. Do not schedule or require drivers to make trips requiring them to exceed posted speed limits in order to complete the run within the hours of service limits.
20. Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
21. New & intermittently used drivers must provide a signed statement showing their total time on-duty for the seven days preceding any trip. These records must be kept on file for 6-months.
22. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
23. Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.
24. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
25. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
26. This review will result in a Safety Rating.
27. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfigs/eta/index.html.
28. Establish a system to control passenger-carrying drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70-hour limits.
29. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)
30. If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration, Massachusetts Division 50 Mall Road, Suite 212 Burlington, MA 01803 Phone 781 425-3210 and Fax: 781





Part B Requirements and/or Recommendations

425-3225

31. A commercial motor vehicle which has a seat belt assembly installed at the driver's seat shall not be driven unless the driver has properly restrained himself/herself with the seat belt assembly.

32. The Motor Carrier Identification Report (MCS-150) is a one-page form that must be filed with the Federal Motor Carrier Safety Administration (FMCSA) by all motor carriers operating in interstate commerce. As of December 26, 2000, all motor carriers are required to file a MCS-150 before beginning operations and once every 24 months thereafter. The schedule for updating the MCS-150 information is listed in Section 390.19(a).

33. Use of radar detectors or similar devices on commercial vehicles is illegal. Do not require or permit drivers to use them. Take appropriate disciplinary action against drivers if they are using such devices

392.71 (a) No driver shall use a radar detector in a commercial motor vehicle, or operate a commercial motor vehicle that is equipped with or contains any radar detector.

(b) No motor carrier shall require or permit a driver to violate paragraph (a) of this section.

34. For all Investigations:

- Understand Why Compliance Saves Time and Money: Compliance with MCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- Apply Adequate Resources: Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.

- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- NOTICE: A pattern and/or repeated violations of the same related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official.

For all Investigations resulting in a Notice of Claim:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for





Part B Requirements and/or Recommendations

receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is received in our office:

Richard R. Bates; Massachusetts Division Administrator
Federal Motor Carrier Safety Administration
50 Mall Road, Suite 212
Burlington, MA 01803

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

Richard R. Bates; Division Administrator
Federal Motor Carrier Safety Administration
50 Mall Road, Suite 212
Burlington, MA 01803

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Jack Van Steenburg, Assistant Administrator and Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Curtis L. Thomas; Regional Field Administrator, ESC
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061





Part B Requirements and/or Recommendations

Ensure that a CC copy of the letter is mailed to:
Richard R. Bates; Division Administrator
FMCSA, Massachusetts Division
50 Mall Road, Suite 212
Burlington, MA 01803

For all Investigations resulting in a proposed unsatisfactory rating:

- Passenger & Placardable HM Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 45 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

- All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

For all Investigations that did not result in a Cooperative Safety Plan:

You may prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to:

Curtis L. Thomas; Regional Field Administrator, ESC
FMCSA, Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

Ensure that a CC copy of the letter is mailed to:
Richard R. Bates; Division Administrator
FMCSA, Massachusetts Division
50 Mall Road, Suite 212
Burlington, MA 01803

This letter should be submitted as soon as possible. If you have a proposed Unsatisfactory or Conditional Rating the letter must be submitted prior to the effective date of your Unsatisfactory or Conditional Rating.

35. UNSAFE DRIVING BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN

FUNG WAH BUS TRANSPORTATION, INC. PRESENT COMPANY POLICY DOES NOT ADDRESS SPEEDING, FAILING TO WEAR A SEAT BELT AND ANY OTHER UNSAFE DRIVING/MOVING VIOLATIONS. MANAGER CHAN, YAT KUEN (A.K.A. ANDY) IS THE PERSON DESIGNATED/ RESPONSIBLE FOR ENSURING THE CARRIER'S COMPLIANCE.





Part B Requirements and/or Recommendations

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy stating that drivers are responsible for adhering to all safe-driving-related Federal, State, and local laws and ordinances, including the prohibition against using radar detectors and the wearing of seatbelts.
- Develop a policy requiring drivers to submit copies of all roadside inspections and citations for moving violations to carrier management within 24 hours.
- Develop a policy penalizing drivers for speeding even if a Federal or State citation is not issued on the road.
- Establish a policy that prohibits dispatchers from assigning drivers a load that cannot be completed without speeding.
- Develop a policy that prohibits passengers from being on board non-passenger vehicles without management approval.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows unsafe-driving violations.

Passenger Carrier:

- Develop a policy that requires drivers to notify management when customers make changes to the approved itinerary.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

36. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Qualification and Hiring & Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN

FUNG WAH BUS TRANSPORTATION, INC. HAS BEEN ALLOWING OR PERMITTING THE OPERATION OF CMVs BY DRIVERS WHO ARE UNFIT TO OPERATE A CMV DUE TO LACK OF TRAINING, EXPERIENCE, OR MEDICAL QUALIFICATIONS. (FMCSR PARTS 383 & 391). MANAGER CHAN, YAT KUEN (A.K.A. ANDY) IS THE PERSON DESIGNATED/RESPONSIBLE FOR ENSURING THE CARRIER'S COMPLIANCE.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
- Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
- Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
- Require that drivers fill out the long form for the medical card and be examined by the carrier's preferred doctor to ensure that their medical qualifications are accurate.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.





Part B Requirements and/or Recommendations

- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, dispatcher, and driver by using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to driver-fitness regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between driver requirements and current qualifications.
- Ensure that all driver-qualification data, including Motor Vehicle Record (MVR) results, inspections, changes in credentials, and driver-reported violations, are properly communicated to managers, supervisors, and dispatchers to enable them to make appropriate assessments about each driver's fitness.
- Ensure that managers and supervisors regularly communicate and demonstrate their commitment to using only fit and qualified drivers.
- Communicate the carrier's Driver Fitness percentile to all staff, and explain to them individually what they can do to help improve the percentile.
- Ensure that hiring officials and employees who are responsible for safety have current knowledge, training, and experience regarding driver fitness regulations (both interstate and intrastate where applicable) and interpretations. Train these individuals on successful compliance practices of other companies.
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to driver fitness regulations and company policies and procedures.
- Train all staff who are required to monitor and track driver fitness compliance on the appropriate company policies, including those related to discipline and incentives.
- Reinforce training about driver-fitness policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

Passenger Carriers:

- Check the Motor Vehicle Record (MVR) to ensure that drivers have the proper class of license and "P" or "S" endorsement, and to see if the applicable endorsement on the license has a specific restriction, such as an air-brake restriction or corrective lenses.

- To better understand your company's responsibilities under the Department of Transportation's Americans with Disabilities Act (ADA) regulations concerning accessibility of over-the-road buses, review the information on the Federal Motor Carrier Safety Administration's Web site at:
<http://www.fmcsa.dot.gov/rules-regulations/bus/company/ada-guidelines.htm>
- Provide pre-trip safety information to motorcoach passengers. For information about the Basic Plan for Motorcoach Passenger Safety Awareness that was published by the Federal Motor Carrier Safety Administration, go to the Agency's Web site at:
<http://www.fmcsa.dot.gov/about/outreach/bus/bus-safety-awareness-plan.htm>
- Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.
- Ensure that your drug and alcohol testing program conforms with all applicable parts of Part 40.
- Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol





Part B Requirements and/or Recommendations

problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

42. Notice: A pattern of and/or repeated violations of the same or related acute or critical regulations will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.



FUNG WAH BUS TRANSPORTATION INC
U.S. DOT #: 954187

Review Date:
02/06/2013

TABLE OF VIOLATIONS

Section #	Identifying Information	Violation Date
382.301(a)	b6,b7c Hired b6,b7c	1/13/2013
382.303(a)	b6,b7c CMV #120	1/7/2013
383.23(a)	b6,b7c CMV #120	8/14/2012
390.15(b)	b6,b7c CMV #120	1/7/2013





FUNG WAH BUS TRANSPORTATION INC
U.S. DOT #: 954187

Review Date:
02/06/2013

Part C

Reason for Review: Other

Passenger Carrier

Planned Action: Prosecution

MA-2013-0046-US1350

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews

10/20/2010

8/21/2008

9/26/2006

Prior Prosecutions

11/13/2006

4/12/2004

11/6/2003

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Interstate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

Follow-up - 45-Day Rule for conditional

Corporate Contact: Yat Kuen Chan (Andy)

Corporate Contact Title: MA South Station Manager

Special Study Information:

Remarks:

INVESTIGATIVE REPORT RECEIVED BY:

Name: LIANG, PEI LIN

Title: PRESIDENT

Carrier/Shipper Name: USDOT 954187 FUNG WAH BUS TRANSPORTATION, INC.

Date: 02/06/2013

Telephone Number (if different from Part A): SEE PART A FOR 617-338-8308 AT BOSTON AND ALSO THE NEW YORK OFFICE AT 212-334-0088. LIANG, PEI LIN IS ALSO THE PRESIDENT OF LEUNG'S FAMILY ASSOCIATION 25 EDINBORO STREET BOSTON, MA 02111 917-335-7389. NOTE: PEI LIN LIANG TRAVELS BACK AND FORTH ON SELECT DAYS FROM NEW YORK, NY TO BOSTON, MA. BUT HE SPENDS THE MAJORITY OF HIS TIME AT THE NEW YORK LOCATION.

REASON FOR INVESTIGATION: THE REASON FOR INVESTIGATION OF FUNG WAH BUS TRANSPORTATION, INC. WAS IN RESPONSE TO A RECORDABLE ACCIDENT WITH PEDESTRIANS IN A CROSSWALK AT NEW YORK CITY, NY.

SCOPE OF INVESTIGATION: THE SCOPE OF THE INVESTIGATION WAS AN ONSITE, FULL COMPREHENSIVE REVIEW OF ALL APPLICABLE REGULATIONS FOR A FOR-HIRE, INTERSTATE PASSENGER-CARRYING MOTOR CARRIER.

CARRIER OPERATION DESCRIPTION: [Include information in this section describing the Carrier operation, such as, commerce, goods, operating area, etc.] FUNG WAH BUS TRANSPORTATION, INC. IS AN INTERSTATE, FOR-HIRE, NON-HAZARDOUS PASSENGER-CARRYING MOTOR. THEY OWN & OPERATE 29 MOTORCOACH TYPE COMMERCIAL MOTOR VEHICLES (CMVs) THAT HAVE GVWRs OVER 26,001 LBS AND ARE DESIGNED TO TRANSPORT 16 OR MORE PASSENGERS INCLUDING THE DRIVER AND THAT REQUIRE THEIR OPERATORS TO POSSESS A VALID COMMERCIAL DRIVER'S LICENSE (CDL). THEY CURRENTLY EMPLOY 36 CDL-REQUIRED DRIVERS. THE CARRIER CONDUCTS A LINE RUN BACK AND FORTH FROM TERMINALS AT SOUTH STATION BOSTON, MA AND 139 CANAL STREET NEW YORK CITY, NY. ALSO, THEY HAVE PARKING LOT LOCATIONS AT 92 ALLERTOWN STREET ROXBURY, MA AND 39 FERRIS STREET BROOKLYN, NY. THE CARRIER OFFICIALS ARE LIANG, PEI LIN; PRESIDENT AND HO, FUNG YEE; VICE PRESIDENT. THEY WERE AWARE THE COMPLIANCE REVIEW (CR) TAKING PLACE. HOWEVER, THE VICE PRESIDENT DID NOT PARTICIPATE AS SHE WAS OUT OF THE COUNTRY AT THE TIME. THE CARRIER PRESIDENT AUTHORIZED MANAGER CHAN, YAT





Part C

KUEN A.K.A. ANDY AND OFFICE PERSONNEL SHERY LIU & LI LY LI TO PARTICIPATE ON HIS BEHALF AND THE REVIEW WAS CONDUCTED AT 25 EDINBORO STREET, 3RD FLOOR BOSTON, MA. I REQUESTED FOR THE CARRIER PRESIDENT TO BE PRESENT AT THE CLOSEOUT SESSION, WHERE I EXPLAINED THE FINDINGS LISTED UPON PART B OF THE REVIEW TO HIM, THE MANAGER CHAN AND THE OFFICE PERSONNEL.

TOGETHER, THEY PROVIDED ALL INFORMATION AND DOCUMENTATION GATHERED AND COLLECTED DURING THE REVIEW.

PRE-INVESTIGATION: ALL INFORMATION AND SUPPORTING DOCUMENTS WERE PROVIDED AS REQUESTED THROUGH MANAGER ANDY CHAN AS REQUESTED SUCH AS THE GROSS REVENUE FIGURE. A CARRIER PROFILE WAS OBTAINED ON 01/28/2013, THE START DATE OF THE CR AND AGAIN ON 02/06/2013, THE CLOSEOUT DATE OF THE CR. TWO MEDICAL EXAMINER'S CERTIFICATES (MEC) WERE VERIFIED FOR DRIVERS (b)(6) (b)(7)c AND (b)(6) (b)(7)c VIA TELEPHONE AT DR. YAN FENG CHEN'S OFFICE 718-871-8255 DURING THE REVIEW ON 01/31/2013 AT 12:30 P.M. THE CARRIER USES THE SAME DOCTOR'S OFFICE FOR ALL OF ITS DRIVERS. I SPOKE WITH THE RECEPTIONIST FIRST NAMED 'HELEN' AND SHE VERIFIED THE MECs AS AUTHENTIC. RESULTS, MEC CHECK - CONFIRMED.

CDLIS (DRIVER LICENSE) CHECK: BASED UPON THE SAMPLE SIZE FOR DQ FILES, NLETS CHECKS WERE REQUESTED UPON 8 OUT OF 36 CDL-REQUIRED DRIVERS AND THEY RETURNED FROM NEW YORK STATE WITH NO ISSUES.

DRIVERS WITH RED FLAG VIOLATIONS:

How many Drivers with Red Flag Violations were identified as needing an investigation? ONE, (b)(6) (b)(7)c
(b)(6) (b)(7)c NY CDL (b)(6) (b)(7)c

What was the outcome of the Drivers with Red Flag Violations Investigations? DRIVER CITED AND TICKETED UPON A CONNECTICUT ROADSIDE INSPECTION #CTMV03801194, DATED 08/14/2012 FOR 383.23(A)(2) OPERATING A CMV WITHOUT A CDL IN VIOLATION OF RESTRICTIONS BY NOT WEARING HIS CORRECTIVE LENSES AS INDICATED.

Carrier NOV/NOC: Yes or No YES, MA-2013-0046-US1350

Driver NOV/NOC: Yes or No NO, TICKET #R587614-0

No further action required

CONTROLLED SUBSTANCES AND ALCOHOL SUPPLEMENTAL REVIEW: N/A, A FULL INVESTIGATION OF THE CONTROLLED SUBSTANCES AND ALCOHOL BASIC WAS CONDUCTED.

Was a CONTROLLED SUBSTANCES AND ALCOHOL SUPPLEMENTAL REVIEW performed? Yes or No N/A.

If Yes - did this result in a full investigation of the CONTROLLED SUBSTANCES AND ALCOHOL BASIC? Yes or No N/A.

INVESTIGATION: ALL INFORMATION AND SUPPORTING DOCUMENTS WERE PROVIDED AS REQUESTED THROUGH MANAGER ANDY CHAN AS REQUESTED SUCH AS THE MILEAGE FIGURE. A MAJORITY OF THE DOCUMENTS ARE AT THE MA PRINCIPLE PLACE OF BUSINESS. HOWEVER, SOME RECORDS WERE BEING MAINTAINED AT THE NEW YORK LOCATION. THE CARRIER IS PRIMARILY AN INTERSTATE COMPANY. THE CARRIER IS USING THE SERVICES OF ST. LOUIS MRO, INC. 3895 JEFFCO BOULEVARD ARNOLD, MO 63010 (636) 461-1300 TO ASSIST THEM IN ADMINISTERING THEIR DRUG AND ALCOHOL TESTING PROGRAM. VIOLATIONS DISCOVERED HAVE BEEN NOT UPON PART B OF THE REVIEW. ENFORCEMENT ACTION IS BEING TAKEN AGAINST THE CARRIER FOR 382.301(A) USING A DRIVER BEFORE THE MOTOR CARRIER HAD RECEIVED A NEGATIVE PRE-EMPLOYMENT CONTROLLED SUBSTANCES TEST RESULT AND 382.303(A) FAILING TO CONDUCT POST ACCIDENT ALCOHOL TESTING ON A DRIVER FOLLOWING A RECORDABLE CRASH. CARRIER OFFICIALS STATED THAT THEY WOULD INITIATE CORRECTIVE ACTIONS IMMEDIATELY.

FOLLOW-ON ACTION:

Note the reason for NOT taking enforcement action for acute violations N/A.

Note the reason for NOT initiating enforcement action in response to any discovered pattern of critical violations N/A

Provide information about the selection of the Follow-on action PROSECUTION IS THE FOLLOW-ON ACTION SELECTED AND ENFORCEMENT ACTIONS ARE BEING TAKEN AGAINST THE CARRIER FOR TO INCLUDE THOSE 382.301(A), 382.303(A) AND 383.23(A)(2) VIOLATIONS LISTED ABOVE AND THIS 390.15 FAILING TO MAINTAIN AN ACCIDENT REGISTER LISTED HERE.

SEE PART B OF THE REVIEW FOR POSSIBLE AREAS OF WEAKNESS THAT MAY BE FUTURE PROBLEM AREAS FOR THE CARRIER.





FUNG WAH BUS TRANSPORTATION INC
U.S. DOT #: 954187

Review Date:
02/06/2013

Part C

DOCUMENTS PROVIDED TO CARRIER:

List materials provided TO the carrier and any materials the carrier had on hand

CARRIER OFFICIALS WERE ADVISED TO BECOME MORE FAMILIAR WITH THE UNITED STATES FEDERAL MOTOR CARRIER SAFETY REGULATIONS FOR PASSENGER CARRIERS AND REFERRED TO THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION'S WEBSITE AT WWW.FMCSA.DOT.GOV. PLUS, THEY WERE GIVEN DOCUMENTS AS APPROPRIATE TO THE VIOLATIONS DISCOVERED DURING THE REVIEW AND FURTHER REFERRED TO THE ETA PACKAGE. A COPY OF THE SAFETY MANAGEMENT CYCLE WAS GIVEN TO PRESIDENT PEI LIN LIANG AND A COPY OF THE CORRESPONDING PROCESS BREAKDOWNS ASSOCIATED WITH THE UNSAFE DRIVING AND DRIVER FITNESS BASICS. ALSO, HE WAS INFORMED OF THE COMPANY'S SATISFACTORY SAFETY RATING AS A RESULT OF THE REVIEW AND THAT THE VIOLATIONS WERE DEEM SERIOUS AND WERE GOING TO RESULT IN A CIVIL PENALTY AGAINST THE COMPANY.

Upload Authorized:	Yes	No
Authorized by:		Date:
Uploaded:	Yes	No
Verified by:		Failure Code:
		Date:





U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Eastern Service Center

UPS

802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Phone: (443) 703-2240

Fax: (443) 703-2253

February 28, 2013

Liang, Pei Lin; President
Fung Wah Bus Transportation, Inc.
25 Edinboro Street, 3rd Floor
Boston, MA 02111

NOTICE OF CLAIM¹ -- Violations of 49 CFR § 382.301(a); 382.303(a); 390.15(b).

CIVIL PENALTY: \$6,590

Case Number: MA-2013-0046-US1350

US DOT Number: 954187

Dear Mr. Liang:

A compliance review was conducted at Boston, Massachusetts on February 6, 2013. The purpose of this review was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

As a result of this review, violations were discovered. This letter constitutes a Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against Fung Wah Bus Transportation, Inc. for the amount of \$6,590.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. **Also, under 49 Code of Federal Regulations (CFR) §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit Fung Wah Bus Transportation, Inc. from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.**

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws.

SUMMARY OF VIOLATIONS

Your company is charged with:

1. One (1) violation of 49 CFR § 382.301(a)- Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.
2. One (1) violation of 49 CFR § 382.303(a)- Failing to conduct post accident alcohol testing on driver following a recordable crash.
3. One (1) violation of 49 CFR § 390.15(b)- Failing to maintain, for a period of three years after an accident occurs, an accident register.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Do not allow a driver to perform a safety-sensitive function until the driver submits to a pre-employment controlled substances test and a negative test result is obtained, in accordance with 49 CFR Part 382.
2. Ensure that all drivers involved in an accident, as defined in 49 CFR Part 390, are tested in accordance with post-accident controlled substances and alcohol testing requirements, when applicable, in accordance with 49 CFR Part 382.
3. Maintain an accident register and required documents in accordance with 49 CFR Sections 390.15(b).

Failure to Abate Cited Violations

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions.

PENALTY

Penalty Factors for Violations of Safety and Hazardous Materials Regulations

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before proposing or claiming a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty proposed shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

Penalty Factors for Violations of Commercial Regulations

In the case of violations of the commercial regulations FMCSA also is not required by statute to consider the Section 521 factors. However, before proposing penalties for violations of the commercial regulations (more specifically the transportation of household goods), 49 U.S.C. § 14901 (c) requires FMCSA to take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

Discovered Versus Charged Violations

Violations of either safety or hazardous materials regulations discovered during the course of the compliance review, but not proposed for penalty in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. The violations found in Table 1, as attached to this Notice of Claim, detail the violations discovered during our review/inspection.

History of Prior Violations

Your history of prior violations of the FMCSRs, HMRs and/or FMCCRs, where applicable, also may have increased the civil penalty beyond that which would have otherwise been proposed in this Notice of Claim. [The following enforcement actions have been considered in the calculation of the civil penalty proposed herein:]

MA-2010-0116-US1364

Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA)

A pattern of and/or repeated violations of the same or related acute or critical regulations will result in the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during an investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period. Any violations with a checkmark in the “§ 222 Applied” column in the penalty table below are subject to the “Section 222” provision and maximum penalties have been assessed pursuant to statute. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA is proposing a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>§222 APPLIED</u>	<u>TOTAL</u>
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<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>§222 APPLIED</u>	<u>TOTAL</u>
382.301(a)	NR	1	\$2,970.00		\$2,970.00
382.303(a)	NR	1	\$2,900.00		\$2,900.00
390.15(b)	R	1	\$720.00		\$720.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$6,590.

HOW TO REPLY TO THE NOTICE OF CLAIM

Under 49 CFR Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," you have specific rights with respect to this Notice of Claim. You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. **DO NOT** call the FMCSA Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) **PAYMENT OF PENALTY:** Within 30 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at 443-703-2266. If you pay the full penalty within thirty (30) days of service of this Notice of Claim, you do not need to file a written Reply to the Notice of Claim.

You may pay the fine electronically through our SAFER website at <<http://safer.fmcsa.dot.gov>> by selecting "Online Fine Payment."

Alternatively, you may pay by cashier's check, certified check, or money order made payable to the FMCSA and mailed to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Personal or company checks will not be accepted and will be returned.

2) CDL=Commercial Driver's License; FR=Financial Responsibility; HM=Hazardous Materials (the total penalty assessed is per citation, not per number of counts); NO=Notice and Orders; NR=Nonrecordkeeping; R=Recordkeeping; COM=Commercial Regulations; E=Employee.

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice Claim and these violations shall constitute prior offenses under either 49 USC § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 USC § 14901(c) (for violations of the Federal Motor Carrier Commercial Regulations involving transportation of household goods) or 49 USC § 5123(c) (for violations of the Hazardous Materials Regulations) unless you proceed under the provisions of 49 C.F.R. § 386.18(c). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) REQUEST FOR ADMINISTRATIVE ADJUDICATION: You may contest the claim and request Administrative adjudication. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim.

Your Reply must be in writing, and clearly state the grounds for contesting the Notice of Claim, and must state any affirmative defenses you intend to assert. You must separately admit or deny each violation alleged in this Notice of Claim. Any allegations in the Notice of Claim not specifically denied in the Reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator. Your Reply must include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii). Once you select an adjudication option, you are bound by that selection.

You must serve your reply on all persons listed in the Certificate of Service attached to this Notice of Claim and in accordance with the requirements of 49 CFR § 386.6.

(3) REQUEST FOR BINDING ARBITRATION: If you dispute **only** the amount of the civil penalty and/or the length of time to pay, you can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. You should notify the FMCSA of your request in writing when you submit your Reply. The Assistant Administrator will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Assistant Administrator's decision regarding your request. You may choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and/or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <<http://www.fmcsa.dot.gov/>>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN 49 CFR § 386.6.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 MAY BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN THIRTY (30) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE **EXACT** MANNER SPECIFIED IN 49 CFR § 386.14 MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR § 386.14(c), A FAILURE TO REPLY MAY CAUSE THE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER THIRTY (30) DAYS AFTER THIS NOTICE OF CLAIM IS SERVED. THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER WILL DECLARE YOU TO BE IN DEFAULT AND DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY PROPOSED IN THE NOTICE OF CLAIM, TO BE THE FINAL AGENCY

Case Number: MA-2013-0046-US1350

ORDER IN THE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE FIVE (5) DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF YOUR OPPORTUNITY TO CONTEST THE CLAIM.

A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d)(1). UNLESS YOUR REPLY COMPLIES WITH THE REQUIREMENTS OF 49 CFR § 386.14(d)(1), THE ASSISTANT ADMINISTRATOR MAY ENTER A DEFAULT AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,

A handwritten signature in black ink that reads "Richard R. Bates". The signature is written in a cursive, flowing style.

Richard R. Bates
Division Administrator
Federal Motor Carrier Safety Administration

Enclosures

APPLICABLE STATUTES

Section 521(b)(2)(A) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under subchapter III of chapter 311 (49 USC §§ 31131 et seq.)(except sections 31138 and 31139) or 49 USC §§ 31301 and 31306, or section 31502 of 49 USC, shall be liable for a civil penalty in an amount not to exceed \$11,000 for each offense. No civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding \$2,750 (49 USC § 521(b)(2)(A) and 68 Fed. Reg. 15381 (March 31, 2003)).

Section 5123(a) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under chapter 51 shall be liable for a civil penalty in an amount not to exceed \$50,000 (71 FR 8487; February 17, 2006) for each offense. If the violation results in death, serious illness, or severe injury to any person, or in substantial destruction of property, the civil penalty may be increased to not more than \$105,000 for each offense (72 FR 55102; September 28, 2007).

Section 521(b)(2)(B)(ii) of 49 USC provides for a maximum civil penalty of \$10,000 for anyone who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in a record about an operation or business fact or transaction, or knowingly makes, prepares or preserves a record in violation of a regulation or order of the Secretary, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation. (49 USC § 521(b)(2)(B)(ii); August 10, 2005).

Section 521(b)(2)(B)(i) of 49 USC provides for a maximum civil penalty of \$1,000 for each recordkeeping offense, (including the failure to make a required report; or making a required report that does not specifically, completely, and truthfully answer a required question; or does not make, prepare, or preserve a record in the form and manner prescribed), and each day of the violation shall constitute a separate offense. The maximum of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed \$10,000 (49 USC § 521(b)(2)(B)(i); August 10, 2005).

VIOLATIONS DISCOVERED DURING REVIEW/ INSPECTION

1	382.301(a)	(b)(6) (b)(7)c	Hired	(b)(6) (b)(7)c	01/13/2013
2	382.303(a)	(b)(6) (b)(7)c	CMV #120		01/07/2013
3	383.23(a)	(b)(6) (b)(7)c	CMV #120		08/14/2012
4	390.15(b)	(b)(6) (b)(7)c	CMV #120		01/07/2013

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 382.301(a) - Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

CHARGE #1:

On or about 01/13/2013, Fung Wah Bus Transportation, Inc. allowed its driver, (b)(6) (b)(7)c to perform a safety-sensitive function in that the driver drove a commercial motor vehicle #118/MA License Plate Number 83817, which has a gross vehicle weight rating of 26,001 lbs or more and is designed to transport 16 or more passengers, including the driver in commerce from New York City, NY to Boston, MA and return, before the carrier received a negative pre-employment controlled substances test result. Driver (b)(6) (b)(7)c was the participant for a pre-employment drug test collection dated 01/11/2013. The driver was hired on (b)(6) (b)(7)c. The MRO verified the results as negative on 01/14/2013.

Violation 2 --- 49 CFR 382.303(a) - Failing to conduct post accident alcohol testing on driver following a recordable crash.

CHARGE #1:

On or about 01/07/2013, Fung Wah Bus Transportation, Inc. used driver, (b)(6) (b)(7)c to drive a commercial motor vehicle #120/MA License Plate Number 83816, which has a gross vehicle weight rating of 26,001 lbs or more and is designed to transport 16 or more passengers, including the driver in commerce from Boston, MA to Brooklyn, NY. During the performance of this safety sensitive function, the driver was involved in a recordable accident with pedestrians and he received a citation for a moving traffic violation arising from the accident which required post-accident testing for alcohol and controlled substances pursuant to 49 CFR 382.303. Fung Wah Bus Transportation, Inc. did not have their driver, (b)(6) (b)(7)c post-accident tested for alcohol, as required.

Violation 3 --- 49 CFR 390.15(b) - Failing to maintain, for a period of three years after an accident occurs, an accident register.

CHARGE #1:

On or about 01/07/2013, Fung Wah Bus Transportation, Inc. used driver (b)(6) (b)(7)c to drive commercial motor vehicle #120/MA License Plate Number 83816, which has a gross vehicle weight rating of 26,001 lbs or more and is designed to transport 16 or more passengers, including the driver, in interstate commerce from Boston, MA to Brooklyn, NY. During of this transportation, Fung Wah Bus Transportation, Inc. had a DOT recordable crash and was required to maintain and retain an accident register per 49 CFR Part 390.15(b). Fung Wah Bus Transportation, Inc. did not have an accident register.

SERVICE LIST

This is to certify that on February 28, 2013, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Liang, Pei Lin; President
Fung Wah Bus Transportation, Inc.
25 Edinboro Street, 3rd Floor
Boston, MA 02111

Original
UPS

Richard R. Bates, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
50 Mall Rd.
Suite 212
Burlington, MA 01803

One Copy
Personal Delivery

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

One Copy
U.S. Mail or Electronic Mail

Carrie A. Zetc

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 954187	Legal: FUNG WAH BUS TRANSPORTATION INC Operating (DBA):			
MC/MX #: 405969		Federal Tax ID: 13-4171659 (EIN)			
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:
Operation Types		Interstate	Intrastate		
Carrier: Non-HM		N/A	Business: Corporation		
Shipper: N/A		N/A	Gross Revenue: \$6,516,218.88		
Cargo Tank: N/A			for year ending: 12/31/2012		
Company Physical Address:					
25 EDINBORO STREET 3RD FLOOR BOSTON, MA 02111					
Contact Name: Chan, Yat Kuen (Andy)					
Phone numbers: (1) 617- 338-8308		(2) 9173357389		Fax 6173381163	
E-Mail Address: fungwahbus1997@yahoo.com					
Company Mailing Address:					
25 EDINBORO STREET 3RD FLOOR BOSTON, MA 02111					
Carrier Classification					
Authorized for Hire					
Cargo Classification					
Passengers					
Does carrier transport placardable quantities of HM? No					
Is an HM Permit required? N/A					
Driver Information					
	Inter	Intra	Average trip leased drivers/month: 0		
< 100 Miles:			Total Drivers: 37		
>= 100 Miles:	37		CDL Drivers: 37		
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Motor Coach	28	0	0		
Power units used in the U.S.: 28					
Percentage of time used in the U.S.: 100					





FUNG WAH BUS TRANSPORTATION INC

U.S. DOT #: 954187

Review Date:

03/28/2013

Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

50 Mall Road, Suite 212

Burlington, MA 01803

Phone: (781)425-3210 Fax: (781)425-3225

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Chan, Yat Kuen (Andy)

Title: MA South Station Manager

Name: Sherry Liu

Title: MA Office Clerk





Part B Violations

1 FEDERAL	Primary: 374.103	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Every motor common carrier of passengers subject to 49 U.S.C. subtitle IV, part B shall cause to be printed on every ticket sold by it for transportation on any vehicle operated in interstate or foreign commerce a plainly legible notice as follows: "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin." Example (b)(6) (b)(7)c 2/7/13 Carrier is providing passengers with tickets without stating that "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin."					
2 FEDERAL CRITICAL	Primary: 382.301(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Example (b)(6) (b)(7)c 2/24/13					
3 FEDERAL	Primary: 382.303(d)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to prepare and maintain on file a record stating the reasons the alcohol post-accident test was not properly administered. Example (b)(6) (b)(7)c Accident date# 1/7/13					
4 FEDERAL	Primary: 383.37(c) Secondary: 396.9(c)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Operating a commercial motor vehicle declared out of service before repairs are made (1st offense). Example (b)(6) (b)(7)c 8/23/12 Vehicle# 70 was placed out of service at 11:30 for a cracked frame and improper exhaust. The vehicle was stopped at 12:00 pm and placed OOS for violating the OOS order for inadequate corrective action.					
5 FEDERAL	Primary: 390.15(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to maintain, for a period of three years after an accident occurs, an accident register. Example (b)(6) (b)(7)c Accident date# 1/7/13					





Part B Violations

6 FEDERAL ACUTE	Primary: 390.35 Secondary: 396.11(b)	Discovered 5	Checked 29	Drivers/Vehicles In Violation 3	Checked 17
Description Fraudulently or intentionally making a false driver vehicle inspection report. Example (b)(6) (b)(7)c Vehicle# 90 DVIR on 10/13/12 listed "ok" satisfactory condition and was signed by driver. Roadside Inspection listed inoperable emergency exit windows (OOS) and inoperable left high beam.					
7 FEDERAL ACUTE	Primary: 390.35 Secondary: 396.3(b)	Discovered 19	Checked 568	Drivers/Vehicles In Violation 14	Checked 24
Description Fraudulently or intentionally making false entries on inspection and vehicle maintenance records. Example Vehicle# 66 10/9/12 A signature of the mechanic (b)(6) (b)(7)c was found on the Carrier's 90 day Bus Emergency Exists Inspection report for Bus# 66 for 9/15/12. However, after reviewing the Time Card for (b)(6) (b)(7)c show that he was "off" on 9/15/12 and also actually shows that he was off from 9/9/12-9/15/12.					
8 FEDERAL	Primary: 391.21(a)	Discovered 5	Checked 9	Drivers/Vehicles In Violation 5	Checked 9
Description Using a driver who has not completed and furnished an employment application. Example (b)(6) (b)(7)c 12/1/12 Incomplete application. Questions regarding whether a license had been suspended or revoked was not answered					
9 FEDERAL	Primary: 391.23(a)	Discovered 3	Checked 9	Drivers/Vehicles In Violation 3	Checked 9
Description Failing to investigate driver's background. Example (b)(6) (b)(7)c 12/1/12 Application dated (b)(6) (b)(7)c listed 2 employers in 2008 however only one previous employer check was conducted.					
10 FEDERAL	Primary: 391.23(e)(1)	Discovered 3	Checked 9	Drivers/Vehicles In Violation 3	Checked 9
Description Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years. Example (b)(6) (b)(7)c 12/1/12 Application dated (b)(6) (b)(7)c listed 2 employers in 2008 however only one previous employer check was conducted for the alcohol and controlled substances history.					





Part B Violations

11 FEDERAL CRITICAL	Primary: 391.51(b)(7)	Discovered 4	Checked 11	Drivers/Vehicles In Violation 4	Checked 11
Description Failing to maintain medical examiner's certificate in driver's qualification file. Example (b)(6) (b)(7)c 2/10/13 No current medical was found in DQ file, previous medical card was dated 11/18/11.					
12 FEDERAL	Primary: 391.63(b)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to maintain driver's name, social security number and issuing state of driver's commercial motor vehicle license. Example (b)(6) (b)(7)c (multiple-employer driver) 2/24/13					
13 FEDERAL	Primary: 392.2	Discovered 9	Checked 131	Drivers/Vehicles In Violation 3	Checked 15
Description Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. Example (b)(6) (b)(7)c Vehicle# 96 2/13/13 Drove 70.77 mph in a 65 MPH zone.					
14 FEDERAL	Primary: 392.8	Discovered 2	Checked 25	Drivers/Vehicles In Violation 2	Checked 13
Description Requiring or permitting a driver to drive without having assured him/herself that the required emergency equipment is in place and ready for use. Example Vehicle# 60 was cited for "discharged fire extinguisher" on 4/25/12, Inspection Report# MAZL00001421. The vehicle was in use on 4/26/12 and 4/27/12. and the violation was corrected on 4/28/12.					
15 FEDERAL	Primary: 395.8(e)	Discovered 2	Checked 215	Drivers/Vehicles In Violation 2	Checked 15
Description False reports of records of duty status. Example (b)(6) (b)(7)c 2/13/13 off duty South Station, Boston, MA 10:30 am until 12:15 pm. EZ Pass Shows driver going through exit 15 @ 11:45 am and exit 19 @ 11:52 on the Massachusetts Pike.					





Part B Violations

16 FEDERAL	Primary: 395.8(e)	Discovered 19	Checked 215	Drivers/Vehicles In Violation	Checked 15
Description False reports of records of duty status. Example (b)(6) (b)(7)c 2/12/13 Off Duty Boston, MA 13:45-16:15. EZ Pass shows driver going through exit 15 @ 14:01 and Exit 19 at 14:08 on the Massachusetts Turnpike.					
17 STATE	Primary: 395.8(f)(12) CFR Equivalent: 395.8(f)	Discovered 0	Checked 8	Drivers/Vehicles In Violation	Checked 1
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example 8 intrastate trips made no violations discovered.					
18 FEDERAL	Primary: 395.8(f)(12)	Discovered 101	Checked 208	Drivers/Vehicles In Violation	Checked 15
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example (b)(6) (b)(7)c 2/7/13					
19 FEDERAL	Primary: 395.8(i)	Discovered 11	Checked 227	Drivers/Vehicles In Violation	Checked 15
Description Failing to require driver to forward within 13 days of completion, the original of the record of duty status. Example (b)(6) (b)(7)c 2/9/13					
20 FEDERAL	Primary: 396.3(a)(1)	Discovered 8	Checked 8	Drivers/Vehicles In Violation	Checked 8
Description Failing to inspect and maintain vehicle to ensure safe and proper operating condition. Example Vehicle# 72 was inspected by the carrier on 6/24/12 and again on 9/29/12 in between that time the vehicle had completed 43,226 miles without any evidence of an inspection having taken place between the previously listed dates. According to the vehicle's manufacture guidelines frames should be inspected every 6,000 miles. The carrier should have inspected the frames 6-7 times in between that time and/or mileage.					

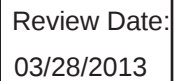




Part B Violations

21 FEDERAL	Primary: 396.3(b)(2)	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
Description Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. (b)(6) (b)(7)c 2/8/13 Vehicle# 78 Carrier has not written policy as to when vehicles will receive oil changes					
22 STATE ACUTE	Primary: 396.9(c)(2) CFR Equivalent: 396.9(c)(2)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Requiring or permitting the operation of a motor vehicle declared "out-of-service" before repairs were made. Example (b)(6) (b)(7)c 8/23/12 License Plate# MA-APN85963					
23 FEDERAL ACUTE	Primary: 396.9(c)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Requiring or permitting the operation of a motor vehicle declared "out-of-service" before repairs were made. Example Vehicle# 106 was placed OOS on 2/7/13 for a violation of 393.201A- crack in frame above front drive axle the vehicle was re-inspected on 2/13/13 and the same OOS violation was discovered. The carrier allowed the vehicle to operate on 2/10/13 before fixing all of the OOS defects that were noted on the inspection report.					
24 FEDERAL	Primary: 396.9(d)(3)	Discovered 1	Checked 68	Drivers/Vehicles In Violation 1	Checked 68
Description Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business. Example (b)(6) (b)(7)c 5/20/12 Bus# 90					
25 FEDERAL	Primary: 396.11(a)	Discovered 10	Checked 217	Drivers/Vehicles In Violation 6	Checked 13
Description Failing to require driver to prepare driver vehicle inspection report. Example (b)(6) (b)(7)c 2/15/13 Vehicle# 38					





26 FEDERAL	Primary: 396.13(c)	Discovered 3	Checked 210	Drivers/Vehicles In Violation 3	Checked 13
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Driver failed to sign DVIR
Vehicle# 88
2/15/13

Drivers/Vehicles In Violation	Checked
3	13

Vehicle# 62 Inspection expired 6/30/12 and was not re-inspected until 10/12.

Drivers/Vehicles	
In Violation	Checked
1	8

Number of Vehicles Inspected (MCMIS): 8

Factor 1:	U	2	0
Factor 2:	U	0	2
Factor 3:	S	0	0
Factor 4:	U	1	0
Factor 5:	N	0	0
Factor 6:	S	-	-

Capri 6.8.4.3



FUNG WAH BUS TRANSPORTATION INC

U.S. DOT #: 954187

Review Date:

03/28/2013

Part B Violations

section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

Administrative Review: A motor carrier of hazardous materials or passengers may appeal its proposed safety rating in a petition filed pursuant to 49 CFR section 385.15 if it believes that the rating is in error and there are factual and procedural issues in dispute. Such appeals must be made within 90 days of the date of the proposed safety rating, but should be made within 15 days of the date of the safety rating notice to allow the FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. Appeals filed pursuant to section 385.15 should be addressed to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590. The motor carrier will receive a written decision on the petition within 30 days from receipt of the petition by the Chief Safety Officer. (See 49 CFR 385.15 for additional details.)

(Note: Neither a petition to contest the rating nor a request for a change in the rating will delay the effective date of the rating, if unchanged.)





Part B Requirements and/or Recommendations

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of





Part B Requirements and/or Recommendations

corrective action is forwarded to our office:

Richard Bates
FMCSA, Massachusetts Division
50 Mall Road, Suite 212
Burlington, MA 01803 Division Administrator/State Director

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Rose A. McMurray
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Curtis Thomas
FMCSA, Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

Ensure that a CC copy of the letter is mailed to:

Division Administrator/State Director
Richard Bates
FMCSA, Massachusetts Division
50 Mall Road, Suite 212
Burlington, MA 01803

This letter should be submitted as soon as possible. If you have a proposed Unsatisfactory or Conditional Rating the letter must be submitted prior to the effective date of your Unsatisfactory or Conditional Rating.

For all Investigations resulting in a proposed unsatisfactory rating:

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

- All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety





Part B Requirements and/or Recommendations

Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

For all Investigations that did not result in a Cooperative Safety Plan:

You may prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to:

Richard Bates
FMCSA, Massachusetts Division
50 Mall Road, Suite 212
Burlington, MA 01803

2. To better understand your company's responsibilities under the Department of Transportation's Americans with Disabilities Act (ADA) regulations concerning accessibility of over-the-road buses, review the information on the Federal Motor Carrier Safety Administration's Web site at:
<http://www.fmcsa.dot.gov/rules-regulations/bus/company/ada-guidelines.htm>
3. Provide pre-trip safety information to motorcoach passengers. For information about the Basic Plan for Motorcoach Passenger Safety Awareness that was published by the Federal Motor Carrier Safety Administration, go to the Agency's Web site at:
<http://www.fmcsa.dot.gov/about/outreach/bus/bus-safety-awareness-plan.htm>
4. UNSAFE DRIVING BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN: During the review of Fung Wah Bus Transportation Inc's driver qualification files it was discovered that the files were incomplete for the drivers that did have files. It was also discovered that when the carrier used "part time" drivers they had no information such as a DQ file, medical certificate, and drug/alcohol testing paperwork and at times didn't even know the name of the driver operating under the company's direction.

BASIC SPECIFIC RECOMMENDED REMEDIES

The carrier should hire a resource dedicated to safety as their only function to oversee all aspects of the operation..

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

Ensure that all persons that operate under the company's authority whether it be full time or part time are fully qualified to do so. A qualification file must be maintained for each driver and all drivers must possess a valid medical examiner's certificate.

Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for unsafe-driving violations of all prospective drivers for the last three years.

Ensure that prospective drivers will drive safely by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding drivers' safety performance going back three years. Create a detailed written record of each inquiry.

Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as that pertaining to moving violations, prior convictions, and denied employment based on unsafe driving.

Enhance the recruitment process to identify and attract qualified applicants for the position of safety director and





Part B Requirements and/or Recommendations

driver, using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

5. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN: During the review with Fung Wah Bus Transportation Inc it was discovered that the carrier was using drivers who have not undergone a pre-employment controlled substance test.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

The carrier should hire a resource dedicated to safety as their only function to oversee all aspects of the operation..

- Ensure that all drivers have received a negative pre-employment controlled substance test prior to operating a CDL required CMV.
- Ensure that the controlled-substance and alcohol-testing program manager is qualified to query applicants and previous employers about their knowledge and experience regarding rules, interpretations, and compliance practices of other companies.
- Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.
- Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.
- Ensure that contracted service agents are qualified to facilitate the company's adherence to regulations and company policies and procedures.
- Verify that the qualifications of all prospective service agents are in accordance with regulations.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations for example, whether applicants have ever tested positive or have refused to take a controlled substance and alcohol test, and if so, whether they have complied with the return-to-duty process as required by regulations.
- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, service agent, and testing personnel by using outside resources such as insurance companies, industry groups, and consultants for employee searches and referrals.

Passenger Carrier Only:

- When hiring part-time or intermittent drivers with concurrent employment, refer to the pre-employment exception under 382.301(d) or check with the concurrent employer to ensure that drivers are participating in the company's program and no testing violations have occurred.
- Verify that the State credentials produced by applicants for the position of school bus driver meet the Commercial Driver's License qualification and testing requirements.

6. VEHICLE MAINTENANCE BASIC - CARGO RELATED PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF SAFETY MANAGEMENT AREA BREAKDOWN: During the review with Fung Wah Bus Transportation it was discovered that the carrier had been placed out of service for numerous violations. While reviewing the maintenance files for the vehicles there were repair orders which claimed the vehicles were repaired however, when the vehicles were re-inspected some of the same OOS violations were discovered.





Part B Requirements and/or Recommendations

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- The carrier needs a complete overhaul of the company's maintenance program. The company should have a preventative maintenance program geared towards the age of the vehicles. Meaning that older vehicles need to be inspected more often than the carrier's "newer" vehicles.
- The carrier needs to hire fully qualified mechanics in order to ensure that all of the company's vehicles have been fully and properly inspected and maintained.
- The carrier should attempt to find an office/garage in Massachusetts so that all repairs and inspections are conducted by their own certified mechanics when the vehicles are in Massachusetts.
- The carrier should ensure that the mechanics working on their vehicles are following the manufacturer's guidelines on how to ensure the correct maintenance and repairs are being conducted.

7. CRASH INDICATOR BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: During the review of Fung Wah Bus Transportation Inc it was discovered that the carrier had been involved in one DOT recordable accident. While reviewing the carrier's accident folder a number of other non DOT accidents were also discovered.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

The carrier should hire a resource dedicated to safety as their only function to oversee all aspects of the operation.

- Review the driving records of the drivers that work for the company to see if a particular driver has been involved in accidents in the past to better understand what type of driver the company may be allowing to operate a motor coach filled with passengers.
- Communicate expectations to the drivers adhering to safe driving regulations and company policies and procedures to all staff, and provide new hire and refresher training and company communication channels to support meeting those expectations.
- Implement a training testing program that includes hands-on demonstrations of safe driving with a focus on defensive driving skills and techniques and crash avoidance. Create opportunities for individual instruction and coaching as appropriate.
- Reinforce training by developing job aids and/or establishing communication channels for all staff.
- Ensure that managers and supervisors regularly communicate with their drivers and demonstrate their commitment to the management of safety and safe driving, in particular.

Passenger Carrier Only:

- Provide training on intersection and lane-change safety and on pedestrian awareness for bus drivers in inner cities.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

8. Ensure that drivers are not conducting trips that would require the driver to operate at speeds greater than the posted speed limit





FUNG WAH BUS TRANSPORTATION INC
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Part B Requirements and/or Recommendations

9. An accident register is required to be prepared for each recordable accident. The accident register must be kept on file for 12 months following each crash.
10. Ensure you have access to up-to-date versions of the Federal Motor Carrier Safety Regulations and the Federal Hazardous Materials Rules and that you are familiar with the requirements for your operation.
11. All current regulations and forms can be found at www.fmcsa.dot.gov
12. If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration, 50 Mall Road, Suite 212, Burlington, MA 01803, Phone 781-425-3210.





TABLE OF VIOLATIONS

Section #	Identifying Information	Violation Date
382.301(a)	(b)(6) (b)(7)c	2/24/2013
382.301(a)		2/24/2013
390.35	Unit# 86	4/12/2012
390.35	Unit# 86	4/24/2012
390.35	Unit# 122	5/17/2012
390.35	Unit# 90	5/20/2012
390.35	Unit# 90	10/13/2012
390.35	Unit# 38	4/2/2012
390.35	Unit# 122	4/6/2012
390.35	Unit# 62	6/10/2012
390.35	Unit# 88	6/10/2012
390.35	Unit# 106	6/10/2012
390.35	Unit# 112	6/10/2012
390.35	Unit# 118	6/10/2012
390.35	Unit# 80	9/16/2012
390.35	Unit# 102	9/16/2012
390.35	Unit# 106	9/16/2012
390.35	Unit# 112	9/16/2012
390.35	Unit# 118	9/16/2012
390.35	Unit# 120	9/16/2012
390.35	Unit# 62	9/16/2012
390.35	Unit# 116	9/16/2012
390.35	Unit# 122	9/17/2012
390.35	Unit# 76	9/18/2012
390.35	Unit# 68	9/23/2012
390.35	Unit# 66	10/9/2012
391.51(b)(7)	(b)(6) (b)(7)c	1/15/2013
391.51(b)(7)		2/10/2013
391.51(b)(7)		2/24/2013
391.51(b)(7)		2/24/2013
396.3(a)(1)	Unit# 76	7/22/2012
396.3(a)(1)	Unit# 108	7/29/2012
396.3(a)(1)	Unit# 86	9/22/2012
396.3(a)(1)	Unit# 68	9/23/2012
396.3(a)(1)	Unit# 72	9/27/2012
396.3(a)(1)	Unit# 62	1/7/2013
396.3(a)(1)	Unit# 112	1/13/2013
396.3(a)(1)	Unit# 106	1/27/2013
396.9(c)(2)	Unit# 106	2/10/2013



**FUNG WAH BUS TRANSPORTATION INC**

U.S. DOT #: 954187

Review Date:

03/28/2013

Part C**Reason for Review:** Compliance Review**Planned Action:** Prosecution

MA-2013-0055-US1265

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews

2/6/2013

10/20/2010

8/21/2008

Prior Prosecutions

11/13/2006

4/12/2004

11/6/2003

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Interstate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

45-Day - Interstate Passenger

Corporate Contact: Chan, Yat Kuen (Andy)

Corporate Contact Title: MA South Station Manager

Special Study Information:**Remarks:**

REMARKS:

INVESTIGATIVE REPORT RECEIVED BY:

Name: Liang, Pei Lin

Title: President

Carrier/Shipper Name: Fung Wah Bus Transportation Inc

Date: 3/28/13

REASON FOR INVESTIGATION: This review took place with Fung Wah Bus Transportation Inc because of a complaint (MA-2013-0055-US1265) against the carrier alleging vehicle maintenance violations/issues that were discovered from inspections that occurred on 2/7/13 by the Massachusetts Department of Public Utilities (DPU).

SCOPE OF INVESTIGATION: Fung Wah Bus Transportation Inc was subject to a full comprehensive review which covered all pertinent sections of the regulations that cover for-hire interstate passenger carriers.

CARRIER OPERATION DESCRIPTION: Fung Wah Bus Transportation Inc is a for-hire passenger carrier. The carrier conducts line runs between South Station which is located in Boston, MA and 139 Canal Street in New York City, NY. The carrier also has a parking lots located at 92 Allertown St, Roxbury, MA and 39 Ferris St, Brooklyn, NY (carrier's garage). The carrier officials are Liang, Pei Lin, President and Ho, Fung Yee, Vice President neither were present during the review process but were aware that the review was being conducted on the company. The review did take place with Chan, Yat Kuen (Andy), Massachusetts South Station Manager and Sherry Liu, Massachusetts Office Clerk. The carrier also will have other carriers operating under the company's direction such as Steady Rider Bus Lines Inc (USDOT# 1897012).

GROSS REVENUE: \$6,516,218.88

LIST MAJOR ASSETS SUCH AS BUILDINGS, LAND, AIRPLANES, OTHER COMPANIES, ETC. The carrier's principal place of business is located at 25 Edinboro St, 3rd floor, Boston, MA 02111 (617) 338-8308. The carrier has a garage at 39 Ferris St, Brooklyn, NY.

REPORT.



**Part C**

INCLUDE GENERAL OVERVIEW OF CARRIER'S SAFETY OPERATION AND IDENTIFY THE PERSONNEL RESPONSIBLE FOR SAFETY MANAGEMENT: Chan, Yat Kuen (Andy), Massachusetts South Station Manager is primarily the one responsible for ensuring that the company is in compliance with the Federal Motor Carrier Safety Regulations.

PRE-INVESTIGATION:

PROVIDE A LISTING OF THE SPECIFIC SUPPORTING DOCUMENTS THAT WERE REQUESTED AND WHEN. INCLUDE WHETHER OR NOT THE CARRIER WAS GIVEN 48 HOURS TO PRODUCE RECORDS NOT LOCATED AT THE PRINCIPAL PLACE OF BUSINESS: The carrier was given one weeks' notice of the review. However, during the review on 3/1/13 the carrier refused re-entry into the carrier's principle so a subpoena was issued to the carrier later that day requesting all the documents be brought to the Massachusetts Division in order to be reviewed.

LIST DOCUMENTS THAT WERE NOT PROVIDED AS REQUESTED AND ACTIONS TAKEN TO OBTAIN THEM: RODs, fuel slips, EZ Pass reports, some DQ and maintenance files were not provided during the so a subpoena was issued against the carrier on 3/1/13 in order to request all the documents that were not provided during the review.

PROVIDE DATE(S) ON WHICH INVESTIGATION WAS CONDUCTED AND REASONS FOR DELAYS, EXTENSIONS, ETC: the review started on February 15, 2013 and continued on-site on the 19th, 20th, 22nd, 26th, 27th, and 28th of February. A subpoena had to be issued to the carrier on March 1, 2013 because the carrier refused entry and access to documents. The review was not completed until March 28, 2013 due to the carrier requiring the Massachusetts Division to obtain a subpoena against the carrier in order to obtain the records needed to conduct the review. The carrier did deliver half of the requested documents on 3/11/13 and the other half was not delivered until 3/19/13.

CDLIS (DRIVER LICENSE) CHECK:

[REQUIRED] IF APPLICABLE EXPLAIN WHY A CDLIS LICENSING CHECKS WAS NOT CONDUCTED OR THAT OTHER METHODS WERE USED TO VERIFY LICENSES: NLETs checks were conducted on all 37 drivers that the company has employed during the previous 365 days comprising the required sample size. No issues were discovered.

RED FLAG DRIVERS:

[REQUIRED] HOW MANY RED FLAG DRIVERS WERE IDENTIFIED AS NEEDING AN INVESTIGATION? Zero, red flag drivers were discovered since the previous review which was conducted on 2/6/13.

DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:

WAS A DRUG AND ALCOHOL SUPPLEMENTAL REVIEW PERFORMED? No, a full review was conducted on the carrier's D/A program.

DESCRIBE WHAT SPECIFIC SUPPORTING DOCUMENTS WERE PRODUCED, WHEN AND BY WHOM. INCLUDE THE NAME AND TITLE OF THE PERSON PROVIDING DOCUMENTS: The carrier was asked to have all drug and alcohol testing documents, driver files, accident register, proof of insurance documents, RODs, Supporting documents and vehicle maintenance documents for the review. Chan, Yat Kuen (Andy), Massachusetts South Station Manager and Sherry Liu, Massachusetts Office Clerk provided the documents until 3/1/13 when a subpoena then had to be issued.

EXPLAIN WHY SAMPLING WAS EXPANDED BEYOND MINIMUM AMOUNT OR COULD NOT BE REACHED IN ACCORDANCE WITH THE FOTM: The sample size of drivers and vehicles was expanded to ensure that that the proper amount of days/documents for RODs and DVIRs were being met during the investigation.

FOLLOW-ON ACTION:

NOTE THE REASON FOR NOT TAKING ENFORCEMENT ACTION FOR ACUTE VIOLATIONS: Enforcement will be taken against the carrier for all acute violations. See Part B of this report for a list of those violations.

NOTE THE REASON FOR NOT INITIATING ENFORCEMENT ACTION IN RESPONSE TO ANY DISCOVERED





FUNG WAH BUS TRANSPORTATION INC
U.S. DOT #: 954187

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03/28/2013

Part C

PATTERN OF CRITICAL VIOLATIONS: Enforcement will be taken against the carrier for all critical violations. See Part B of this report for a list of those violations.

DOCUMENT AREAS OF WEAKNESS THAT MAY BE FUTURE PROBLEM AREAS FOR THE CARRIER: Part 396 of the regulations. Also, one of the major issues discovered during the review was the fact that vehicle maintenance records such as emergency exit checks, 30 day inspections of the vehicles and repair order slips were found to be falsified. Driver Vehicle Inspection Reports (DVIRs) were also found to be falsified by the drivers.

MEDICAL EXAMINER'S CERTIFICATE CHECKS: All of the company's current drivers were selected in order to verify whether or not the drivers have current and valid medical examiner's certificates. All drivers are medically examined by Dr. Fung Ngan, NPI#1699846659 who is located at 17 EAST BROADWAY #401, NEW YORK, NY 10002, 214 406-7379. No issues were discovered.

DOCUMENTS PROVIDED TO CARRIER:

LIST MATERIALS PROVIDED TO THE CARRIER AND ANY MATERIALS THE CARRIER HAD ON HAND: the carrier was given the FMCSA website and shown where to find the ETA Packet online. The carrier was also provided Part 385.15 and 385.17 documents for a less than satisfactory carrier.

ADDITIONAL INFORMATION: The carrier received a purposed "unsatisfactory" rating on this review because Factor 1, 2 and 4 were deemed unsatisfactory.

Upload Authorized:	Yes	No
Authorized by:		Date:
Uploaded:	Yes	No
Verified by:		Failure Code:
		Date:



SUBJECT : Fung Wah Bus Transportation, Inc.

CASE NUMBER : MA-2013-0046-US1350

Violation --- 49 CFR 382.301(a) - Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

CHARGE

On or about 01/13/2013, Fung Wah Bus Transportation, Inc. allowed its driver, (b)(6) (b)(7)c to perform a safety-sensitive function in that the driver drove a commercial motor vehicle #118/MA License Plate Number 83817, which has a gross vehicle weight rating of 26,001 lbs or more and is designed to transport 16 or more passengers, including the driver in commerce from New York City, NY to Boston, MA and return, before the carrier received a negative pre-employment controlled substances test result. Driver (b)(6) (b)(7)c was the participant for a pre-employment drug test collection dated 01/11/2013. The driver was hired on (b)(6) (b)(7)c. The MRO verified the results as negative on 01/14/2013.

SUPPORTING DOCUMENTS

1. Copies of the Driver's Daily Logs completed by Fung Wah Bus Transportation, Inc. Driver (b)(6) (b)(7)c (b)(6) (b)(7)c (2 pgs), dated 01/08/2013 - 01/14/2013.
2. A copy of the Massachusetts Apportioned Cab Card for Fung Wah Bus Transportation, Inc. Motorcoach #118/Plate #83817, effective dated 07/01/2012.
3. A copy of the Bus Driver's Vehicle Inspection Report completed by Driver (b)(6) (b)(7)c for Fung Wah Bus Transportation, Inc. Motorcoach #118, dated 01/13/2013.
4. A copy of St. Louis MRO, Inc. Results of DOT Controlled Substances Test to Fung Wah Bus Transportation, Inc., verification dated 01/14/2013.
5. Fung Wah Bus Transportation, Inc. Current Driver's List (2 pgs), renewed 01/23/2012 showing Driver (b)(6) (b)(7)c was hired on (b)(6) (b)(7)c (See Lettered Exhibit B).
6. Fung Wah Bus Transportation, Inc. Registration of Vehicle's List, dated Jan-13 (See Lettered Exhibit B).
7. A copy of Fung Wah Bus Transportation, Inc's Current Drug & Alcohol Testing Policy (10 pgs), not dated (See Lettered Exhibit C).
8. Carrier President Liang, Pei Lin's Statement, dated 02/06/2013 (See Lettered Exhibit D).

DRIVER'S DAILY LOG

(ONE CALENDAR DAY - 24 HOURS)

ORIGINAL - File each day at home terminal
DUPLICATE - Driver retains in his possession for eight days

RECAP

1/8/2013 → 1/12/2013
(MONTH) (DAY) (YEAR) (TOTAL MILEAGE TODAY)

I certify that (b)(6) (b)(7)(c) (SHOW EACH UNIT)

(TOTAL MILES DRIVING TODAY)

FUNG WHA Bus INC.

(NAME OF CARRIER OR CARRIERS)

141 Canal St. NYC. NY 10002

(MAIN OFFICE ADDRESS)

(NAME OF CO-DRIVER)

39. Feers St. BROOKLYN. NY

(HOME TERMINAL ADDRESS)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11
1: OFF DUTY																								
2: SLEEPER																								
3: DRIVING																								
4: ON DUTY (NOT DRIVING)																								

TOTAL HOURS

DRIVING HRS TODAY
TOTAL LINE 3

DRIVING VIOLATION TODAY

ON DUTY HRS. TODAY
TOTAL LINES 3 & 4

70 HRS/8 DAY DRIVERS

A. TOTAL HRS. ON DUTY LAST 7 DAYS, INCL. TODAY

B. TOTAL HRS. AVAILABLE TOMORROW: 70 HRS. MINUS A

C. TOTAL HRS. ON DUTY LAST 6 DAYS, INCL. TODAY

70 HRS/8 DAY DRIVERS

A. TOTAL HRS. ON DUTY LAST 6 DAYS, INCL. TODAY

B. TOTAL HRS. AVAILABLE TOMORROW: 70 HRS. MINUS A

C. TOTAL HRS. ON DUTY LAST 7 DAYS, INCL. TODAY

Shipping document, manifest number, or name of a shipper and commodity.

Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours.

FROM: (STARTING POINT OR PLACE) TO: (DESTINATION OR TURN AROUND POINT OR PLACE)

USE TIME STANDARD AT HOME TERMINAL
© Copyright 2005 & Published by J. J. KELLER & ASSOCIATES, INC., Neenah, WI 54957-0368

ORIGINAL

1/13/2013
(MONTH) (DAY) (YEAR)

131587
131135
(TOTAL MILEAGE TODAY)

ORIGINAL - File each day at home terminal
DUPLICATE - Driver retains in his possession for eight days

178

I certify these entries are true and correct: (b)(6) (b)(7)(c) (SHOW EACH UNIT)

(TOTAL MILES DRIVING TODAY)

FUNG WHA Bus INC.

(NAME OF CARRIER OR CARRIERS)

141 Canal St. NYC. NY 10002

(MAIN OFFICE ADDRESS)

(NAME OF CO-DRIVER)

39. Feers St. BROOKLYN. NY

(HOME TERMINAL ADDRESS)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11
1: OFF DUTY																								
2: SLEEPER																								
3: DRIVING																								
4: ON DUTY (NOT DRIVING)																								

TOTAL HOURS

RECAP

DAY NO.

734

DRIVING HRS TODAY
TOTAL LINE 3

0

DRIVING VIOLATION TODAY

8

ON DUTY HRS. TODAY
TOTAL LINES 3 & 4

70 HRS/8 DAY DRIVERS

A. TOTAL HRS. ON DUTY LAST 7 DAYS, INCL. TODAY

57 3/4

B. TOTAL HRS. AVAILABLE TOMORROW: 70 HRS. MINUS A

1 1/4

C. TOTAL HRS. ON DUTY LAST 6 DAYS, INCL. TODAY

12 1/4

Passenger 51P 23P

Shipping document, manifest number, or name of a shipper and commodity.

Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours.

FROM: 141 Canal St. NYC. NY TO: S. Station. Boston. MA

USE TIME STANDARD AT HOME TERMINAL

(DESTINATION OR TURN AROUND POINT OR PLACE)

1/14/2013

106546
106325

221

DRIVER'S DAILY LOG

#78

(b)(6)
(b)(7)c

TRUCK W/HA BUS. INC

25. Edinboro, NYC. NY 10002

39. Ferris St. Brooklyn, NY

PRO.	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL
1: OFF DUTY																								19 0
2: SLEEPER BERTH																								4 1/4
3: DRIVING																								5 1/4
4: ON DUTY																								3 1/4
REMARKS																								24

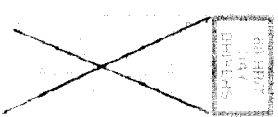
passenger
46P

14 Canal St. NYC, NY

to S. Station, Boston, MA

39 Ferris St
Brooklyn, NY
14 Canal St
NYC, NY

S. Station, MA
Boston, MA



RECAP
2
4 1/4

70 HRS
18 1/4

The Massachusetts Department of Transportation International Registration Plan Apportioned Registration Cab Card

Showing Massachusetts Form No.
massDOT

RMV Division

This registration cab card must be carried in the vehicle described below.

FUNG WAH BUS TRANSPORTATION INC
25 EDINBORO ST
3RD FLR
BOSTON, MA 02111

Account Number: 28949
Registration Year: 2012
Registrant:
FUNG WAH BUS TRANSPORTATION
25 EDINBORO ST
3RD FLR
BOSTON, MA 02111

Carrier Responsible for Safety

Carrier Name: FUNG WAH BUS TRANSPORTATION INC
Mailing Address: 25 EDINBORO STREET 3RD FLOOR, BOSTON, MA, 02111
USDOT Number: 954187



Plate Type: APN		Plate No.: 83817		Body Type: BS		Color: WHITE	
Effective: 07/01/2012		Expires: 06/2013		Comb/Gross Weight: 51000		Unladen Weight: 33,000 (14,969 Kg.)	
Year: 2005		Make: VAN		Fleet No.: 1		Sup No.: 1	
Vehicle Identification Number: YE2CC15BX52046005		MA Reg: 253.75		Foreign Fees: 169.40		Equipment No.: A-118	
Owner: FUNG WAH BUS TRANSPORTATION INC		Insurance Company: SAFETY INSURANCE COMPANY		Admin Fees: 0.00		Total Fees: 423.15	
Fuel: DIESEL		Seats: 57					

The vehicle described has been proportionally registered between Commonwealth of Massachusetts and the jurisdictions shown below.

<u>Jur.</u>	<u>Weight</u>	<u>Jur.</u>	<u>Weight</u>	<u>Jur.</u>	<u>Weight</u>	<u>Jur.</u>	<u>Weight</u>	<u>Jur.</u>	<u>Weight</u>	<u>Jur.</u>	<u>Weight</u>
CT	QUAL	DC	51,000	DE	51,000	MA	QUAL	MD	QUAL	NH	51,000
NJ	QUAL	NY	QUAL	PA	QUAL	RI	QUAL	VA	33,000		
**	*****	**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****	**	*****
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**	*****	**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****	**	*****

VOID IF ALTERED. THIS CARD MUST BE KEPT IN VEHICLE AT ALL TIMES.

Issued under the authority of the Registrar of Motor Vehicles for the
Massachusetts Department of Transportation.

Rachel Kaprielian
Registrar

REGISTRY OF MOTOR VEHICLES

25 Newport Ave. Ext., 4th Floor
Quincy, MA 02171
(617) 351 - 9320
www.mass.gov/rmv

BUS DRIVER'S VEHICLE INSPECTION REPORT

COMPANY: FUNG WHA BUS INC

ODOMETER READING: 131587 BUS NO.: #118

END MILEAGE: 131587 DATE: 1/13/2013 ☐ AM ☒ PM

START MILEAGE: 131135 TIME: 1.30

TOTAL MILEAGE: 452 LOCATION: 39 Ferris St, W11231

INSPECT ITEMS LISTED - IF DEFECTIVE, NUMBER AND DESCRIBE IN "REMARKS"

- | | |
|--|---|
| ☒ FLUID LEAKS UNDER BUS | ☒ EMERGENCY DOOR & BUZZER |
| ☒ LOOSE WIRES, HOSE CONNECTIONS OR BELTS IN ENGINE COMPARTMENT | ☒ HEADLIGHTS, FLASHERS & 4-WAY FLASHERS |
| ☒ OIL LEVEL | ☒ RIGHT FRONT TIRE & WHEEL |
| ☒ RADIATOR COOLANT LEVEL | ☒ FRONT OF BUS - WINDSHIELD |
| ☒ BATTERY | ☒ LEFT FRONT TIRE & WHEEL |
| ☒ TRANSMISSION | ☒ STOP ARM (SCHOOL BUS) |
| ☒ UNUSUAL ENGINE NOISE | ☒ EXHAUST SYSTEM |
| ☒ GAUGES & WARNING LIGHTS | ☒ LEFT SIDE OF BUS - WINDOWS & LIGHTS |
| ☒ SWITCHES | ☒ LEFT REAR TIRES & WHEELS |
| ☒ HORN | ☒ REAR OF BUS - WINDOWS & LIGHTS |
| ☒ FANS & DEFROSTERS | ☒ TAIL PIPE |
| ☒ WIPERS & WASHERS | ☒ RIGHT REAR TIRES & WHEELS |
| ☒ STOP ARM CONTROL (WARNING CONTROL) | ☒ RIGHT SIDE OF BUS - WINDOWS & LIGHTS |
| ☒ INSIDE & OUTSIDE MIRRORS | ☒ DRIVER'S SEAT & BELT |
| ☒ BRAKE PEDAL & WARNING LIGHT | ☒ DIRECTIONAL LIGHTS |
| ☒ OPERATION OF SERVICE DOOR | ☒ PARKING BRAKE OR SERVICE BRAKE |
| ☒ EMERGENCY EQUIPMENT | ☒ CLUTCH |
| ☒ FIRST AID KIT | ☒ STEERING |
| ☒ ENTRANCE STEPS | ☒ WHEELCHAIR LIFT |
| ☒ CLEANLINESS OF INTERIOR | |
| ☒ CONDITION OF FLOOR | |

REMARKS:

OK

CONDITION OF ABOVE VEHICLE IS:

DRIVER'S SIGNATURE: (b)(6) (b)(7)(c)

☒ UNSATISFACTORY

- ☐ ABOVE DEFECTS CORRECTED
☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE: _____

DATE: _____

DRIVER REVIEWING REPAIRS: SIGNATURE: _____

DATE: _____

ORIGINAL

(5/11)



3895 Jeffco Boulevard
Arnold, Missouri 63010
(636)-461-1300

ATTENTION:

Louisa Liang
Fung Wah Bus Transportation Inc.
25 Edinboro St. Third Floor
Boston, MA 02111

Participant: (b)(6) (b)(7)c
Other ID: (b)(6) (b)(7)c
SSN: (b)(6) (b)(7)c

Results of DOT Controlled Substance Test

Record Status: Negative
Test Type: Pre-Employment
Collection Date/Time: 01/11/2013 2:57 PM
Batch ID: 20130114
Specimen ID: 1075202
Date COC Received: 01/14/2013
Sample Type: Urine
Test Panel: 5-Substances

Laboratory: QUEST DIAGNOSTICS
400 EGYPT RD
NORRISTOWN, PA
Collection Site: Northside Medical Care
66 Nassau Avenue
Brooklyn, NY 11222
Specimen Collector: JESSICA SCATORRO
DOT Admin(s): FMCSA

<u>Test Performed</u>	<u>Result</u>	<u>Test Performed</u>	<u>Result</u>
Amphetamines	Negative	Cocaine	Negative
Marijuana	Negative	Opiates	Negative
Phencyclidine	Negative		

Results verified in accordance with 49 CFR Part 40 and 382

James Criscione, MD MRO

1/14/2013

Verification Date

Results for (b)(6) (b)(7)c

Printed on 1/14/2013 at 12:58:14PM

SUBJECT : Fung Wah Bus Transportation, Inc.

CASE NUMBER : MA-2013-0046-US1350

Violation --- 49 CFR 382.303(a) - Failing to conduct post accident alcohol testing on driver following a recordable crash.

CHARGE

On or about 01/07/2013, Fung Wah Bus Transportation, Inc. used driver, (b)(6) (b)(7)c to drive a commercial motor vehicle #120/MA License Plate Number 83816, which has a gross vehicle weight rating of 26,001 lbs or more and is designed to transport 16 or more passengers, including the driver in commerce from Boston, MA to Brooklyn, NY. During the performance of this safety sensitive function, the driver was involved in a recordable accident with pedestrians and he received a citation for a moving traffic violation arising from the accident which required post-accident testing for alcohol and controlled substances pursuant to 49 CFR 382.303. Fung Wah Bus Transportation, Inc. did not have their driver, (b)(6) (b)(7)c post-accident tested for alcohol, as required.

SUPPORTING DOCUMENTS

1. Copies of the Driver's Daily Logs completed by Fung Wah Bus Transportation, Inc. Driver (b)(6) (b)(7)c (2 pgs), dated 01/07/2013 & 01/08/2013.
2. A copy of the Massachusetts Apportioned Cab Card for Fung Wah Bus Transportation, Inc. Motorcoach #120/Plate #83816, effective dated 07/01/2012.
3. A copy of the Bus Driver's Vehicle Inspection Report completed by Driver (b)(6) (b)(7)c for Fung Wah Bus Transportation, Inc. Motorcoach #120, dated 01/07/2013.
4. A copy of New York State Department of Motor Vehicles Police Accident Report (NYC) to Fung Wah Bus Transportation, Inc. (4 pgs), dated 01/07/2013.
5. A copy of NYPD Traffic Ticket #AAS014100 for Fail to Yield to Pedestrians in Crosswalk issued to Fung Wah Bus Transportation, Inc. Driver (b)(6) (b)(7)c dated 01/07/2013.
6. Fung Wah Bus Transportation, Inc. Current Driver's List (2 pgs), renewed 01/23/2012 (See Lettered Exhibit B).
7. Fung Wah Bus Transportation, Inc. Registration of Vehicle's List, dated Jan-13 (See Lettered Exhibit B).
8. A copy of Fung Wah Bus Transportation, Inc's Current Drug & Alcohol Testing Policy (10 pgs), not dated (See Lettered Exhibit C).
9. Carrier President Liang, Pei Lin's Statement, dated 02/06/2013 (See Lettered Exhibit D).

DRIVER'S DAILY LOG (ONE CALENDAR DAY - 24 HOURS)

ORIGINAL - File each day at home terminal.
DUPLICATE - Driver retains in his possession for eight days

RECAP

2

8

0

10.15

10.15

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

47.15

22.45

55.30

60 HRS DAY DRIVERS

1 7 13
(MONTH) (DAY) (YEAR)

457756

457309

2447

(TOTAL MILEAGE TODAY)

(TOTAL MILES DRIVING TODAY)

Eng. Noh. Liss.

(NAME OF CARRIER OR CARRIERS)

25 3rd St Bntes MA 02111

(MAIN OFFICE ADDRESS)

(NAME OF CO-DRIVER)

39 Fennel Ave NY 11231

(HOME TERMINAL ADDRESS)

#120

VEHICLE NUMBERS - (SHOW EACH UNIT)

(b)(6) (b)(7)(c)

I certify these entries are true and correct:

TOTAL HOURS

13.45

8

2.15

1: OFF DUTY

2: SLEEPER BERTH

3: DRIVING

4: ON DUTY (NOT DRIVING)

REMARKS

39 Fennel St Bntes NY
139 3rd St NY

39 Fennel St Bntes MA

139 3rd St NY
Accident

Shipping document, manifest number or name of a shipper and commodity.
Check the time and enter name of person reported and who released from work and when and where each change of duty occurred. Explain excess hours.

FROM: New York

(STARTING POINT OR PLACE)

NY

TO: Bntes

(DESTINATION OR TURN AROUND POINT OR PLACE)

MA

USE TIME STANDARD AT HOME TERMINAL

ORIGINAL

Copyright 2005 Published by J. G. KELLER & ASSOCIATES, INC., Watons, WI 54607-0369

DRIVER'S DAILY LOG (ONE CALENDAR DAY - 24 HOURS)

ORIGINAL - File each day at home terminal
DUPLICATE - Driver retains in his possession for eight days

1 8 13
(MONTH) (DAY) (YEAR)

(TOTAL MILEAGE TODAY)

I certify these entries are true and correct:

#120

VEHICLE NUMBERS - (SHOW EACH UNIT)

(b)(6) (b)(7)c

(FULL)

(TOTAL MILES DRIVING TODAY)

Exp. Wash. Dist.

(NAME OF CARRIER OR CARRIERS)

25 *Boston ST Boston MA 02111*

(MAIN OFFICE ADDRESS)

(NAME OF CO-DRIVER)

39 *Trans ST Brooklyn NY 11231*

(HOME TERMINAL ADDRESS)

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11

1: OFF DUTY

2: SLEEPER BERTH

3: DRIVING

4: ON DUTY (NOT DRIVING)

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11

REMARKS

*M. Boston Bayside
Acc. indet*

39 Trans ST Brooklyn

TOTAL HOURS

21

0.15

2.45

RECAP

3

DAY NO.

0.15

DRIVING HRS TODAY

TOTAL MILES

1

DRIVING VIOLATION TODAY

3

ON DUTY HRS TODAY TOTAL

DRIVING

70 HR/8 DAY DRIVERS

A. 41

TOTAL HRS IN BUS LAST 7 DAYS

TOTAL

28

B. 28

TOTAL HRS IN BUS LAST 7 DAYS

TOTAL

50.15

TOTAL HRS IN BUS LAST 7 DAYS

TOTAL

50.15

TOTAL HRS IN BUS LAST 7 DAYS

TOTAL

50.15

TOTAL HRS IN BUS LAST 7 DAYS

TOTAL

50.15

TOTAL HRS IN BUS LAST 7 DAYS

TOTAL

50.15

TOTAL HRS IN BUS LAST 7 DAYS

TOTAL

50.15

TOTAL HRS IN BUS LAST 7 DAYS

TOTAL

50.15

TOTAL HRS IN BUS LAST 7 DAYS

TOTAL

50.15

Shipping document, manifest number, or name of a shipper and commodity.

Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours.

FROM: *New York*

(STARTING POINT OR PLACE)

NY

TO: *Boston*

(DESTINATION OR TURN AROUND POINT OR PLACE)

MA

USE TIME STANDARD AT HOME TERMINAL
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ORIGINAL

The Massachusetts Department of Transportation International Registration Plan Apportioned Registration Cab Card

Moving Massachusetts Forward
massDOT

This registration cab card must be carried in the vehicle described below.

RMV Division

FUNG WAH BUS TRANSPORTATION INC
25 EDINBORO ST
3RD FLR
BOSTON, MA 02111

Account Number: 28949
Registration Year: 2012
Registrant:
FUNG WAH BUS TRANSPORTATION
25 EDINBORO ST
3RD FLR
BOSTON, MA 02111

Carrier Responsible for Safety

Carrier Name: FUNG WAH BUS TRANSPORTATION INC
Mailing Address: 25 EDINBORO STREET 3RD FLOOR, BOSTON, MA, 02111
USDOT Number: 954187

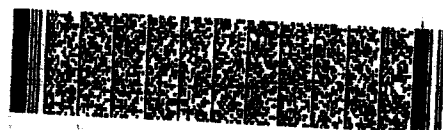


Plate Type: APN	Plate No.: 83816	Body Type: BS	Color: WHITE
Effective: 07/01/2012	Expires: 06/2013	Comb/Gross Weight: 51000	Unladen Weight: 33,000 (14,969 Kg.)
Year: 2004	Make: VAN	Fleet No.: 1	Sup No.: 1
Vehicle Identification Number: YE2CC12B242045983	MA Reg: 253.75	Foreign Fees: 169.40	Equipment No.: A-120
Owner: FUNG WAH BUS TRANSPORTATION INC	Insurance Company: SAFETY INSURANCE COMPANY	Admin Fees: 0.00	Fuel: DIESEL
			Seats: 57
			Total Fees: 423.15

vehicle described has been proportionally registered between Commonwealth of Massachusetts and the jurisdictions shown below.

Jur.	Weight	Jur.	Weight	Jur.	Weight	Jur.	Weight	Jur.	Weight
CT	QUAL	DC	51,000	DE	51,000	MA	QUAL	MD	QUAL
NJ	QUAL	NY	QUAL	PA	QUAL	RI	QUAL	VA	33,000
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****	**	*****	**	*****	**	*****

VOID IF ALTERED. THIS CARD MUST BE KEPT IN VEHICLE AT ALL TIMES.

Issued under the authority of the Registrar of Motor Vehicles for the
Massachusetts Department of Transportation.

Rachel Kaprielian
Registrar

REGISTRY OF MOTOR VEHICLES

25 Newport Ave. Ext., 4th Floor
Quincy, MA 02171
(617) 351-9320
www.mass.gov/rmv

BUS DRIVER'S VEHICLE INSPECTION REPORT

COMPANY: Longview Inc

ODOMETER READING: _____

BUS NO.: 120

END MILEAGE: 457756

DATE: 1/17/13

START MILEAGE: 657209

TIME: 12:30

☐ AM
☒ PM

TOTAL MILEAGE: _____

LOCATION: 297 S. 1st St. NY

INSPECT ITEMS LISTED - IF DEFECTIVE, NUMBER AND DESCRIBE IN "REMARKS"

- ☒ FLUID LEAKS UNDER BUS
- ☒ LOOSE WIRES, HOSE CONNECTIONS OR BELTS IN ENGINE COMPARTMENT
- ☒ OIL LEVEL
- ☒ RADIATOR COOLANT LEVEL
- ☒ BATTERY
- ☒ TRANSMISSION
- ☒ UNUSUAL ENGINE NOISE
- ☒ GAUGES & WARNING LIGHTS
- ☒ SWITCHES
- ☒ HORN
- ☒ FANS & DEFROSTERS
- ☒ WIPERS & WASHERS
- ☒ STOP ARM CONTROL (WARNING CONTROL)
- ☒ INSIDE & OUTSIDE MIRRORS
- ☒ BRAKE PEDAL & WARNING LIGHT
- ☒ OPERATION OF SERVICE DOOR
- ☒ EMERGENCY EQUIPMENT
- ☒ FIRST AID KIT
- ☒ ENTRANCE STEPS
- ☒ CLEANLINESS OF INTERIOR
- ☒ CONDITION OF FLOOR

- ☒ EMERGENCY DOOR & BUZZER
- ☒ HEADLIGHTS, FLASHERS & 4-WAY FLASHERS
- ☒ RIGHT FRONT TIRE & WHEEL
- ☒ FRONT OF BUS - WINDSHIELD
- ☒ LEFT FRONT TIRE & WHEEL
- ☒ STOP ARM (SCHOOL BUS)
- ☒ EXHAUST SYSTEM
- ☒ LEFT SIDE OF BUS - WINDOWS & LIGHTS
- ☒ LEFT REAR TIRES & WHEELS
- ☒ REAR OF BUS - WINDOWS & LIGHTS
- ☒ TAIL PIPE
- ☒ RIGHT REAR TIRES & WHEELS
- ☒ RIGHT SIDE OF BUS - WINDOWS & LIGHTS
- ☒ DRIVER'S SEAT & BELT
- ☒ DIRECTIONAL LIGHTS
- ☒ PARKING BRAKE OR SERVICE BRAKE
- ☒ CLUTCH
- ☒ STEERING
- ☒ WHEELCHAIR LIFT

REMARKS: _____

CONDITION OF ABOVE VEHICLE IS:

☐ SATISFACTORY

☐ UNSATISFACTORY

DRIVER'S SIGNATURE: _____

(b)(6) (b)(7)(c)

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE: _____

DATE: _____

DRIVER REVIEWING REPAIRS: SIGNATURE: _____

DATE: _____

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Neenah, WI • USA • (800) 327-6868 • jkeller.com

VEHICLE COPY

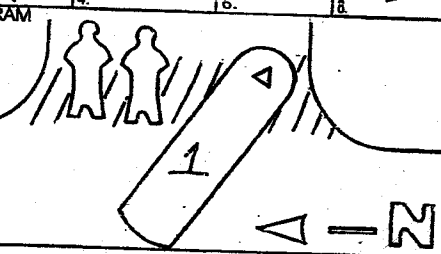
(5/11)

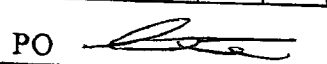
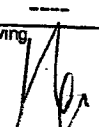
New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT (NYC)
MV-104AN (7/11)

Precinct	005
Accident No.	44

Complaint Number 121/122

☐ AMENDED REPORT

1 Accident Date Month 01 Day 07 Year 2013 Day of Week Monday Military Time 2254		No. of Vehicles 1 No. Injured 2 No. Killed 0		Not Investigated at Scene ☐ Left Scene ☐ Police Photos ☒ Yes ☐ No	
2 VEHICLE 1 - Driver License ID Number (b)(6) (b)(7)c Driver Name - exactly as printed on license (b)(6) (b)(7)c Address (include Number & Street) (b)(6) (b)(7)c City or Town (b)(6) (b)(7)c		3 VEHICLE 2 - Driver License ID Number N/A Driver Name - exactly as printed on license (b)(6) (b)(7)c Address (include Number & Street) (b)(6) (b)(7)c City or Town (b)(6) (b)(7)c		4 BICYCLIST ☐ PEDESTRIAN ☒ OTHER PEDESTRIAN ☐	
5 Date of Birth (b)(6) (b)(7)c Sex Unlicensed ☐ No. of Occupants 1 Public Property Damaged ☐ Name - exactly as printed on registration Address (include Number & Street) 25 EDINBORO STREET City or Town BOSTON State MA Zip Code 02111		6 Date of Birth (b)(6) (b)(7)c Sex Unlicensed ☐ No. of Occupants N/A Public Property Damaged ☐ Name - exactly as printed on registration Address (include Number & Street) N/A City or Town N/A State N/A Zip Code N/A		7 Ticket/Arrest Number(s) N/A Violation Section(s) N/A	
8 Check if involved vehicle is: ☐ more than 95 inches wide; ☒ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit. VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact 12 2 Enter up to three more Damage Codes 3 4 5 Vehicle By N/A Towed: TO N/A		9 Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit. VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact N/A 2 Enter up to three more Damage Codes N/A 4 5 Vehicle By N/A Towed: TO N/A		10 Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles. Rear End 1. Left Turn 3. Right Angle 5. Right Turn 7. Head On Overtaking 2. Left Turn 4. Right Turn 6. Sideswipe 8. ACCIDENT DIAGRAM 	
11 VEHICLE DAMAGE CODING: 1-1 3. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER		12 Place Where Accident Occurred: ☐ BRONX ☐ KINGS ☒ NEW YORK ☐ QUEENS ☐ RICHMOND Road on which accident occurred SOUTHBOUND BOWERY at 1) intersecting street CANAL STREET or 2) Feet Miles N E S W Of		13 Cost of repairs to any one vehicle will be more than \$1 000. ☐ Unknown/Unable to Determine ☐ Yes ☒ No	
14 Reference Marker		15 Coordinates (if available) Latitude/Northing: Longitude/Easting:		16 Accident Description/Officer's Notes AT T/P/O M/V1 WAS TRAVELING S/B ON THE BOWERY TURNING LEFT/EASTBOUND ON CANAL STREET AT THE ENTRANCE TO THE MANHATTAN BR (BROOKLYN BOUND). ABOVE TWO PEDESTRIANS WERE IN A MARKED CROSSWALK WALKING S/B ACROSS CANAL STREET ON THE EAST SIDE OF BOWERY. M/V1 DID STRIKE BOTH ABOVE PEDESTRIANS IN A MARKED CROSSWALK. A/O DID NOT WITNESS M/V/A BUT DID CONDUCT AN INVESTIGATION FINDING OPER M/V1 DID FAIL TO YIELD TO PEDESTRIAN IN CROSSWALK.	

8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved		Date of Death Only
A	1	1	4	1	(b)(6) (b)(7)c	13	6	RMA	RMA	(b)(6) (b)(7)c			N/A
B	P					1	3	2	9997	7205			N/A
C													
D													
E													
F													
Officer's Rank and Signature PO 				Tax ID No. 924032		NCIC No. 03030		Precinct HWY 1		Post/Sector AIS TECH		Reviewing Officer  Date/Time Reviewed 01/08/13	
Print Name in Full CENTER, MATTHEW													

PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on front).

A Last Name N/A		First N/A		M.I. N/A		D Last Name N/A		First N/A		M.I. N/A	
Address N/A						Address N/A					
Date of Birth N/A Month N/A Day N/A Year			Telephone (Area Code) (N/A)			Date of Birth N/A Month N/A Day N/A Year			Telephone (Area Code) (N/A)		
B Last Name (b)(6) (b)(7)c						E Last Name N/A					
Address [REDACTED]						Address N/A					
Date of Birth (b)(6) (b)(7)c			Telephone (Area Code) (b)(6) (b)(7)c			Date of Birth N/A Month N/A Day N/A Year			Telephone (Area Code) (N/A)		
C Last Name N/A						Highway Dist. at Scene? ☒ Yes ☐ No					
Address N/A						Name:					
Date of Birth N/A Month N/A Day N/A Year			Telephone (Area Code) (N/A) N/A			PO CENTER			Shield No. 7654		

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1	52023007	Vehicle No. 2	N/A
Expiration Date	11MAR2013	Expiration Date	N/A
VIN	YE2CC12B242045983	VIN	N/A

WITNESS (Attach separate sheet, if necessary)

Name	Address	Phone

DUPLICATE COPY REQUIRED FOR:

- | | | | |
|---|--|---|---|
| ☐ Dept. of Motor Vehicles
(if anyone is killed/injured) | ☐ Motor Transport Division
(RD. vehicle involved) | ☐ NYC Taxi & Limousine Comm.
(if a Licensed taxi or limousine involved) | ☐ Other City Agency
(Specify) |
| ☐ Office of Comptroller
(if a City vehicle involved) | ☐ Personnel Safety Unit
(if a P.D. vehicle involved) | ☒ Highway Unit | ONE |

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

N/A

PROPERTY DAMAGED (other than vehicles)

OWNER OF PROPERTY (include city agency, where applicable)

N/A

N/A

N/A

N/A

IF NYPD VEHICLE IS INVOLVED:

Police Vehicle-Operator's First Name N/A		Last Name N/A		Rank N/A	Shield No. N/A	Tax ID. No. N/A	Command N/A
Make of Vehicle N/A	Year N/A	Type of Vehicle N/A	Plate No. N/A	Dept. Vehicle No. N/A	Assigned To What Command N/A		
Equipment in Use At Time of Accident							
☐ Siren	☐ Horn	☐ Turret Light	☐ 4-Way Flasher	☐ High-Level Warning Lights	☐ Traffic Cones	☐ Headlights	

ACTIONS OF POLICE VEHICLE

- | | |
|--|---|
| ☐ Responding to Code Signal | ☐ Complying with Station House Directive |
| ☐ Pursuing Violator | ☐ Routine Patrol |
| ☐ Other (Describe) | |

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT (NYC)
MV-104AN (7/11)Precinct 005
Accident No. 44

Complaint Number 121/122

☐ AMENDED REPORT

Accident Date Month 01 Day 07 Year 2013		Day of Week Monday		Military Time 2254		No. of Vehicles 1		No. Injured 2		No. Killed 0		Not Investigated at Scene ☐		Left Scene ☐		Police Photos ☒ Yes ☐ No			
VEHICLE 1 License ID Number N/A State of Lic. N/A										☐ VEHICLE 2 License ID Number N/A State of Lic. N/A									
Driver Name - exactly as printed on license N/A										Driver Name - exactly as printed on license (b)(6) (b)(7)c									
Address (include Number & Street) N/A										Address (include Number & Street) (b)(6) (b)(7)c									
City or Town N/A State N/A Zip Code N/A										City or Town (b)(6) (b)(7)c									
Date of Birth Month N/A Day N/A Year N/A Sex N/A Unlicensed ☐ No. of Occupants N/A Public Property Damaged ☐										Date of Birth Month N/A Day N/A Year N/A Sex N/A Unlicensed ☐ No. of Occupants N/A Public Property Damaged ☐									
Name - exactly as printed on registration N/A										Name - exactly as printed on registration N/A									
Address (include Number & Street) N/A										Address (include Number & Street) N/A									
City or Town N/A State N/A Zip Code N/A										City or Town N/A State N/A Zip Code N/A									
Plate Number N/A State of Reg. N/A Vehicle Year & Make N/A Vehicle Type N/A Ins. Code N/A										Plate Number N/A State of Reg. N/A Vehicle Year & Make N/A Vehicle Type N/A Ins. Code N/A									
Ticket/Arrest Number(s) N/A										Ticket/Arrest Number(s) N/A									
Violation Section(s) N/A										Violation Section(s) N/A									
Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.										Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.									
VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes										VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact Box 2 - Most Damage Enter up to three more Damage Codes									
Vehicle By Towed: N/A										Vehicle By Towed: N/A									
VEHICLE DAMAGE CODING: 1-13. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER										ACCORDING TO PAGE 1 OF 2									
Reference Marker										Coordinates (if available) Latitude/Northing: Longitude/Easting:									
Place Where Accident Occurred: ☐ BRONX ☐ KINGS ☒ NEW YORK ☐ QUEENS ☐ RICHMOND										Road on which accident occurred SOUTHBOUND BOWERY (Route Number or Street Name) CANAL STREET (Route Number or Street Name)									
Accident Description/Officer's Notes SEE DESCRIPTION PAGE 1 OF 2.										(Milepost, Nearest Intersecting Route Number or Street Name)									

ALL INVOLVED		8 9 10 11 12 13 14 15 16 17 BY TO 18										Names of all involved		Date of Death Only									
A		P										1		(b)(6) (b)(7)c		N/A							
B		11										10		6		9997		7295		(b)(6) (b)(7)c		N/A	
C																							
D																							
E																							
F																							
Officer's Rank and Signature		PO										Tax ID No.		NCIC No.		Precinct		Post/Sector		Reviewing Officer		Date/Time, Reviewed	
Print Name in Full		CENTER, MATTHEW										924032		03030		HWY 1		AIS TECH		N/A		01/08/13	

PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on front).

A Last Name <u>N/A</u> First <u>N/A</u> M.I. <u>N/A</u>		D Last Name <u>N/A</u> First <u>N/A</u> M.I. <u>N/A</u>	
Address <u>N/A</u>		Address <u>N/A</u>	
Date of Birth <u>N/A</u> Month <u>N/A</u> Day <u>N/A</u> Year <u>N/A</u> Telephone (Area Code) <u>(N/A)</u>		Date of Birth <u>N/A</u> Month <u>N/A</u> Day <u>N/A</u> Year <u>N/A</u> Telephone (Area Code) <u>(N/A)</u>	
B Last Name <u>(b)(6) (b)(7)c</u> M.I. <u>N/A</u>		E Last Name <u>N/A</u> First <u>N/A</u> M.I. <u>N/A</u>	
Address <u>N/A</u>		Address <u>N/A</u>	
Date of Birth <u>(b)(6) (b)(7)c</u> Month <u>N/A</u> Day <u>N/A</u> Year <u>N/A</u> Telephone (Area Code) <u>(b)(6) (b)(7)c</u>		Date of Birth <u>N/A</u> Month <u>N/A</u> Day <u>N/A</u> Year <u>N/A</u> Telephone (Area Code) <u>(N/A)</u>	
C Last Name <u>N/A</u> First <u>N/A</u> M.I. <u>N/A</u>		Highway Dist. at Scene? ☒ Yes ☐ No	
Address <u>N/A</u>		Name: <u>PO CENTER</u>	
Date of Birth <u>N/A</u> Month <u>N/A</u> Day <u>N/A</u> Year <u>N/A</u> Telephone (Area Code) <u>(N/A)</u>		Shield No. <u>7654</u>	

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1 N/A Vehicle No. 2 N/A

Expiration Date N/A Expiration Date N/A

VIN N/A VIN N/A

WITNESS (Attach separate sheet, if necessary)

Name	Address	Phone

DUPLICATE COPY REQUIRED FOR:

☐ Dept. of Motor Vehicles (if anyone is killed/injured)	☐ Motor Transport Division (RD. vehicle involved)	☐ NYC Taxi & Limousine Comm. (if a Licensed taxi or limousine involved)	☐ Other City Agency (Specify) _____
☐ Office of Comptroller (if a City vehicle involved)	☐ Personnel Safety Unit (if a P.D. vehicle involved)	☒ Highway Unit <u>ONE</u>	

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

N/A

PROPERTY DAMAGED (other than vehicles)	OWNER OF PROPERTY (include city agency, where applicable)
<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>

IF NYPD VEHICLE IS INVOLVED:

Police Vehicle-Operator's First Name <u>N/A</u> Last Name <u>N/A</u>		Rank <u>N/A</u>	Shield No. <u>N/A</u>	Tax ID. No. <u>N/A</u>	Command <u>N/A</u>
Make of Vehicle <u>N/A</u>	Year <u>N/A</u>	Type of Vehicle <u>N/A</u>	Plate No. <u>N/A</u>	Dept. Vehicle No. <u>N/A</u>	Assigned To What Command <u>N/A</u>

Equipment in Use At Time of Accident

☐ Siren ☐ Horn ☐ Turnet Light ☐ 4-Way Flasher ☐ High-Level Warning Lights ☐ Traffic Cones ☐ Headlights

ACTIONS OF POLICE VEHICLE

☐ Responding to Code Signal _____	☐ Complying with Station House Directive
☐ Pursuing Violator	☐ Routine Patrol
☐ Other (Describe) _____	

AAS0141400

New York State - Department of Motor Vehicles
TRAFFIC TICKET

POLICE AGENCY

NYPD

LOCAL POLICE CODE

4111

LAST NAME

(b)(6) (b)(7)c

NUMBER & STREET ADDRESS

(b)(6) (b)(7)c

APT. NO.

PHOTO LIC

SHOWN

(b)(6) (b)(7)c

OWNER IS

OPER.

O

LIC CLASS/ID TYPE

15

(b)(6) (b)(7)c

STATE

LICENSE EXPIRES (MMDDYY)

VEH. TYPE

VEH. YR.

VEH. MAKE

VEH. COLOR

27

012518

2

2009

BMW

W4

PLATE #

REG. STATE

REGISTRATION EXPIRES (MMDDYY)

83816

MA

063013

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

TIME (24hour HHMM)

DATE OF OFFENSE (MMDDYY)

2254

010713

IN VIOLATION OF: (SECTION AND SUBDIVISION)

1151A

TR

IN

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DATE AFFIRMED

ARREST

OFFICER ID #

OFFICER'S COMMAND

010818

1

984032

911

TRAFFIC VIOLATIONS BUREAU HEARING OFFICES (718) 488-5710

TRAFF. VIOL. BUREAU IN:

Bronx - 696 East Fordham Road *

Brooklyn, S. - 2875 W. 8th Street *

Brooklyn, N. - Atlantic Ctr Mall (2nd Floor), 625 Atlantic Ave. *

Buffalo - 295 Main Street

Manhattan, S. - 19 Rector Street (2nd Floor) *

Suffolk County - State Office Building, Veterans Memorial Highway, Hauppauge, NY *

Business Hours: Monday - Friday 8:30AM - 4:00PM

Manhattan, N. - 159 East 125th Street (3rd Floor) *

Queens, N. - 30-56 Whitestone Expwy *

Queens, S. - 168-35 Rockaway Blvd. *

Rochester - 16 E. Main Street (5th Floor)

Staten Island - 1775 South Avenue *

* Also Thursday 4:00PM - 6:00PM

YOU MUST ANSWER THIS TICKET WITHIN 15 DAYS OF
THE DATE OF OFFENSE. TO ANSWER ON-LINE AT
WWW.DMV.NY.GOV/EPLEAD.HTM OR BY MAIL, FOLLOW
THE INSTRUCTIONS ON THE OTHER SIDE.

FAILURE TO ANSWER WILL RESULT IN THE SUSPENSION OF
YOUR LICENSE AND A DEFAULT JUDGMENT AGAINST YOU.

MOTORIST COPY-TRAFFIC VIOLATIONS BUREAU

AAS0141400

SUBJECT : Fung Wah Bus Transportation, Inc.

CASE NUMBER : MA-2013-0046-US1350

Violation --- 49 CFR 390.15(b) - Failing to maintain, for a period of three years after an accident occurs, an accident register.

CHARGE

On or about 01/07/2013, Fung Wah Bus Transportation, Inc. used driver (b)(6) (b)(7)c to drive commercial motor vehicle #120/MA License Plate Number 83816, which has a gross vehicle weight rating of 26,001 lbs or more and is designed to transport 16 or more passengers, including the driver, in interstate commerce from Boston, MA to Brooklyn, NY. During of this transportation, Fung Wah Bus Transportation, Inc. had a DOT recordable crash and was required to maintain and retain an accident register per 49 CFR Part 390.15(b). Fung Wah Bus Transportation, Inc. did not have an accident register.

SUPPORTING DOCUMENTS

1. Copies of the Driver's Daily Logs completed by Fung Wah Bus Transportation, Inc. Driver (b)(6) (b)(7)c (2 pgs), dated 01/07/2013 & 01/08/2013.
2. A copy of the Massachusetts Apportioned Cab Card for Fung Wah Bus Transportation, Inc. Motorcoach #120/Plate #83816, effective dated 07/01/2012.
3. A copy of the Bus Driver's Vehicle Inspection Report completed by Driver (b)(6) (b)(7)c for Fung Wah Bus Transportation, Inc. Motorcoach #120, dated 01/07/2013.
4. A copy of New York State Department of Motor Vehicles Police Accident Report (NYC) to Fung Wah Bus Transportation, Inc. (4 pgs), dated 01/07/2013.
5. Fung Wah Bus Transportation, Inc. Current Driver's List (2 pgs), renewed 01/23/2012 (See Lettered Exhibit B).
6. Fung Wah Bus Transportation, Inc. Registration of Vehicle's List, dated Jan-13 (See Lettered Exhibit B).
7. Carrier President Liang, Pei Lin's Statement, dated 02/06/2013 (See Lettered Exhibit D).

DRIVER'S DAILY LOG (ONE CALENDAR DAY - 24 HOURS)

ORIGINAL - File each day at home terminal
DUPLICATE - Driver retains in his possession for eight days

1 7 13
(MONTH) (DAY) (YEAR)

457756
457309
247
(TOTAL MILEAGE TODAY)

I certify these entries are true and correct:
(b)(6) (b)(7)(c)

#120
VEHICLE NUMBERS - (SHOW EACH UNIT)

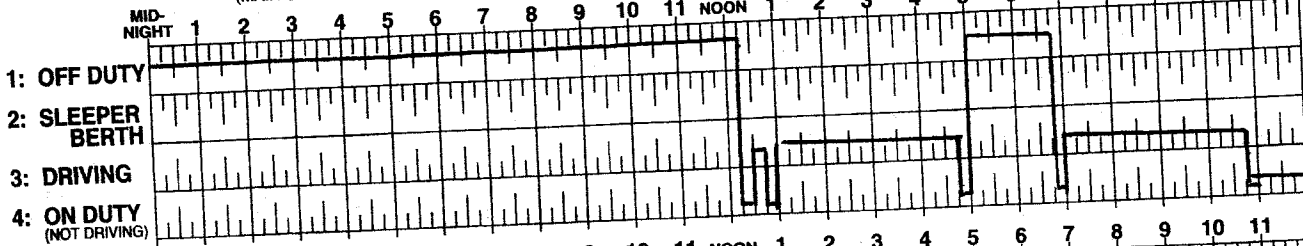
(TOTAL MILES DRIVING TODAY)

Eng. Webb Inc.
(NAME OF CARRIER OR CARRIERS)

25 Belknap ST Bntes MA 0241
(MAIN OFFICE ADDRESS)

(NAME OF CO-DRIVER)

39 Fennell Ave NY 11231
(HOME TERMINAL ADDRESS)



TOTAL HOURS
13.45

REMARKS
39 Fennell Ave NY
139 Belknap ST NY
South of Bntes MA
139 Belknap ST NY
Accident

Shipping document, manifest number, or name of a shipper and commodity.
Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours.

FROM: New York (STARTING POINT OR PLACE) NY TO: Bntes (DESTINATION OR TURN AROUND POINT OR PLACE) MA

USE TIME STANDARD AT HOME TERMINAL
© Copyright 2005 & Published by J. J. KELLER & ASSOCIATES, INC., Neenah, WI 54957-0368
ORIGINAL

RECAP	
DAY NO.	2
DRIVING HRS TODAY	8
TOTAL LINE 3	0
DRIVING VIOLATION TODAY	0
ON DUTY HRS TODAY	10.15
TOTAL LINES 3 & 4	10.15
70 HR/8 DAY DRIVERS	
A. 47.15	TOTAL HRS. ON DUTY LAST 7 DAYS, INCL. TODAY
B. 22.45	TOTAL HRS. AVAILABLE TOMORROW: 70 HRS. MINUS A
C. 65.30	TOTAL HRS. ON DUTY LAST 8 DAYS, INCL. TODAY
60 HR/7 DAY DRIVERS	
A. 11.15	TOTAL HRS. ON DUTY LAST 6 DAYS, INCL. TODAY
B. 11.15	TOTAL HRS. AVAILABLE TOMORROW: 60 HRS. MINUS A
C. 11.15	TOTAL HRS. ON DUTY LAST 7 DAYS, INCL. TODAY

DRIVER'S DAILY LOG (ONE CALENDAR DAY - 24 HOURS)

ORIGINAL - File each day at home terminal
DUPLICATE - Driver retains in his possession for eight days

1 8 13
(MONTH) (DAY) (YEAR)

(TOTAL MILEAGE TODAY)

(TOTAL MILES DRIVING TODAY)

Eng. Webb
(NAME OF CARRIER OR CARRIERS)

28 Baldwin ST Boston MA 02111
(MAIN OFFICE ADDRESS)

#120

I certify these entries are true and correct:

VEHICLE NUMBERS - (SHOW EACH UNIT)

(b)(6) (b)(7)(C)

(NAME OF CO-DRIVER)

39 Evans ST Brooklyn NY 11231
(HOME TERMINAL ADDRESS)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11
1: OFF DUTY																								
2: SLEEPER BERTH																								
3: DRIVING																								
4: ON DUTY (NOT DRIVING)																								

TOTAL HOURS

21

0.45

2.45

REMARKS

*Midnight to 3:00 AM
Accident*

RECAP
3
DAY NO.

0.45
DRIVING HRS. TODAY

1
TOTAL LINE 3

1
DRIVING VIOLATION TODAY

3
ON DUTY HRS. TODAY TOTAL LINES 3 & 4

70 HRS/8 DAY DRIVERS

41
TOTAL HRS. ON DUTY LAST 7 DAYS, INCL. TODAY

29
TOTAL HRS. AVAILABLE TOMORROW: 70 HRS. MINUS A

60.5
TOTAL HRS. ON DUTY LAST 8 DAYS, INCL. TODAY

60 HR/7 DAY DRIVERS

9-L
TOTAL HRS. ON DUTY LAST 6 DAYS, INCL. TODAY

60.5
TOTAL HRS. AVAILABLE TOMORROW: 60 HRS. MINUS A

9-L
TOTAL HRS. ON DUTY LAST 7 DAYS, INCL. TODAY

Shipping document, manifest number, or name of a shipper and commodity.

Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours.

FROM: New York
(STARTING POINT OR PLACE)

NY

TO: Boston MA
(DESTINATION OR TURN AROUND POINT OR PLACE)

USE TIME STANDARD AT HOME TERMINAL

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ORIGINAL

The Massachusetts Department of Transportation International Registration Plan Apportioned Registration Cab Card

Sharing Massachusetts Form 100
massDOT

RMV Division

This registration cab card must be carried in the vehicle described below.

FUNG WAH BUS TRANSPORTATION INC
25 EDINBORO ST
3RD FLR
BOSTON, MA 02111

Account Number: 28949
Registration Year: 2012
Registrant:
FUNG WAH BUS TRANSPORTATION
25 EDINBORO ST
3RD FLR
BOSTON, MA 02111

Carrier Responsible for Safety

Carrier Name: FUNG WAH BUS TRANSPORTATION INC
Mailing Address: 25 EDINBORO STREET 3RD FLOOR, BOSTON, MA, 02111
USDOT Number: 954187

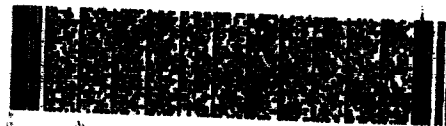


Plate Type: APN		Plate No.: 83816		Body Type: BS		Color: WHITE	
Effective: 07/01/2012		Expires: 06/2013		Comb/Gross Weight: 51000		Unladen Weight: 33,000 (14,969 Kg.)	
Year: 2004		Make: VAN		Fleet No.: 1		Sup No.: 1	
Vehicle Identification Number: YE2CC12B242045983		MA Reg: 253.75		Foreign Fees: 169.40		Admin Fees: 0.00	
Owner: FUNG WAH BUS TRANSPORTATION INC		Insurance Company: SAFETY INSURANCE COMPANY		Equipment No.: A-120		Fuel: DIESEL	
						Seats: 57	
						Total Fees: 423.15	

vehicle described has been proportionally registered between Commonwealth of Massachusetts and the jurisdictions shown below.

Jur.	Weight	Jur.	Weight	Jur.	Weight	Jur.	Weight	Jur.	Weight	Jur.	Weight
CT	QUAL	DC	51,000	DE	51,000	MA	QUAL	MD	QUAL	NH	51,000
NJ	QUAL	NY	QUAL	PA	QUAL	RI	QUAL	VA	33,000		
**	*****	**	*****	**	*****	**	*****	**	*****	**	*****
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VOID IF ALTERED. THIS CARD MUST BE KEPT IN VEHICLE AT ALL TIMES.

Issued under the authority of the Registrar of Motor Vehicles for the
Massachusetts Department of Transportation.

Rachel Kaprielian
Registrar

REGISTRY OF MOTOR VEHICLES

25 Newport Ave. Ext., 4th Floor
Quincy, MA 02171
(617) 351-9320
www.mass.gov/rmv

10

ORDER READING:

END MILEAGE:

START MILEAGE:

TOTAL MILEAGE:

BUS NO.: 120

DATE:

TIME:

LOCATION:

☐ AM☒ PM

INSPECT ITEMS LISTED - IF DEFECTIVE, NUMBER AND DESCRIBE IN "REMARKS"

- | | |
|--|---|
| ☒ FLUID LEAKS UNDER BUS | ☒ EMERGENCY DOOR & BUZZER |
| ☒ LOOSE WIRES, HOSE CONNECTIONS OR | ☒ HEADLIGHTS, FLASHERS & 4-WAY FLASHERS |
| ☒ BELTS IN ENGINE COMPARTMENT | ☒ RIGHT FRONT TIRE & WHEEL |
| ☒ OIL LEVEL | ☒ FRONT OF BUS - WINDSHIELD |
| ☒ RADIATOR COOLANT LEVEL | ☒ LEFT FRONT TIRE & WHEEL |
| ☒ BATTERY | ☒ STOP ARM (SCHOOL BUS) |
| ☒ TRANSMISSION | ☒ EXHAUST SYSTEM |
| ☒ UNUSUAL ENGINE NOISE | ☒ LEFT SIDE OF BUS - WINDOWS & LIGHTS |
| ☒ GAUGES & WARNING LIGHTS | ☒ LEFT REAR TIRES & WHEELS |
| ☒ SWITCHES | ☒ REAR OF BUS - WINDOWS & LIGHTS |
| ☒ HORN | ☒ TAIL PIPE |
| ☒ FANS & DEFROSTERS | ☒ RIGHT REAR TIRES & WHEELS |
| ☒ WIPERS & WASHERS | ☒ RIGHT SIDE OF BUS - WINDOWS & LIGHTS |
| ☒ STOP ARM CONTROL (WARNING CONTROL) | ☒ DRIVER'S SEAT & BELT |
| ☒ INSIDE & OUTSIDE MIRRORS | ☒ DIRECTIONAL LIGHTS |
| ☒ BRAKE PEDAL & WARNING LIGHT | ☒ PARKING BRAKE OR SERVICE BRAKE |
| ☒ OPERATION OF SERVICE DOOR | ☒ CLUTCH |
| ☒ EMERGENCY EQUIPMENT | ☒ STEERING |
| ☒ FIRST AID KIT | ☒ WHEELCHAIR LIFT |
| ☒ ENTRANCE STEPS | _____ |
| ☒ CLEANLINESS OF INTERIOR | _____ |
| ☒ CONDITION OF FLOOR | _____ |

REMARKS:

CONDITION OF ABOVE VEHICLE IS:

☒ **SATISFACTORY**

☐ **UNSATISFACTORY**

DRIVER'S SIGNATURE

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE:

DATE: _____

DRIVER REVIEWING REPAIRS: SIGNATURE:

DATE: _____

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Neenah, WI • USA • (800) 327-6868 • jjkeller.com

VEHICLE COPY

(5/11)

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT (NYC)
 MV-104AN (7/11)

Precinct **005**
 Accident No. **44**

Complaint Number **121/122**

1	Accident Date Month 01 Day 07 Year 2013	Day of Week Monday	Military Time 2254	No. of Vehicles 1	No. Injured 2	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☒ Yes ☐ No	
2	VEHICLE 1 License ID Number (b)(6) (b)(7)c Driver Name - exactly as printed on license (b)(6) (b)(7)c Address (include Number & Street) (b)(6) (b)(7)c City or Town (b)(6) (b)(7)c			VEHICLE 2 License ID Number N/A Driver Name - exactly as printed on license (b)(6) (b)(7)c Address (include Number & Street) (b)(6) (b)(7)c City or Town (b)(6) (b)(7)c						
3	Date of Birth (b)(6) (b)(7)c	Sex (b)(6) (b)(7)c	Unlicensed ☐	No. of Occupants 1	Public Property Damaged ☐	Date of Birth (b)(6) (b)(7)c	Sex (b)(6) (b)(7)c	Unlicensed ☐	No. of Occupants N/A	Public Property Damaged ☐
4	Name - exactly as printed on registration FUNG WAH BUS TRANS.			Name - exactly as printed on registration N/A						
4	Address (include Number & Street) 25 EDINBORO STREET			Address (include Number & Street) N/A						
4	City or Town BOSTON State MA Zip Code 02111			City or Town N/A State N/A Zip Code N/A						
5	Plate Number 83816	State of Reg. MA	Vehicle Year & Make 04-VAN	Vehicle Type BUS	Ins. Code ---	Plate Number N/A	State of Reg. N/A	Vehicle Year & Make N/A	Vehicle Type N/A	Ins. Code N/A
2	Ticket/Arrest Number(s) TICKET# AAS0141400					Ticket/Arrest Number(s) N/A				
2	Violation Section(s) 1151A (VTL)					Violation Section(s) N/A				

6	1	Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit. VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact 12 Box 2 - Most Damage 2 Enter up to three more Damage Codes 3 4 5 Vehicle By N/A Towed: N/A	Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit. VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact N/A Box 2 - Most Damage N/A Enter up to three more Damage Codes N/A N/A N/A Vehicle By N/A Towed: N/A
---	---	--	---

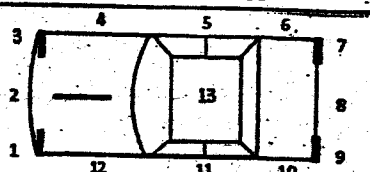
VEHICLE DAMAGE CODING:

1-13. SEE DIAGRAM ON RIGHT.

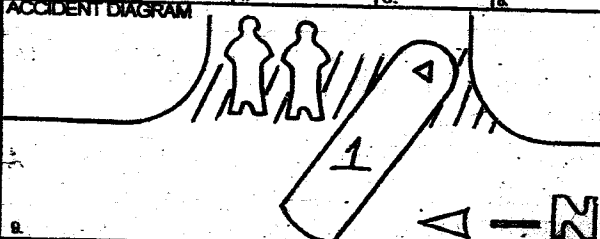
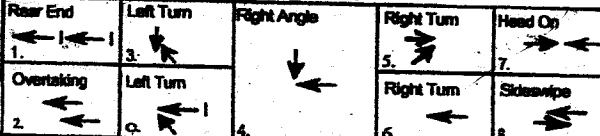
14. UNDERCARRIAGE 17. DEMOLISHED

15. TRAILER 18. NO DAMAGE

16. OVERTURNED 19. OTHER



Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.



Cost of repairs to any one vehicle will be more than \$1 000.

☐ Unknown/Unable to Determine ☐ Yes ☒ No

Reference Marker	Coordinates (if available) Latitude/Northing: Longitude/Easting:	Place Where Accident Occurred: ☐ BRONX ☒ KINGS ☒ NEW YORK ☐ QUEENS ☐ RICHMOND Road on which accident occurred SOUTHBOWN BOWERY (Route Number or Street Name) CANAL STREET (Route Number or Street Name) at 1) intersecting street --- or 2) --- ☐ N ☐ S ☐ E ☐ W or --- Feet Miles --- (Milepost, Nearest Intersecting Route Number or Street Name)
------------------	--	--

Accident Description/Officer's Notes **AT T/P/O M/V1 WAS TRAVELING S/B ON THE BOWERY TURNING LEFT/EASTBOUND ON CANAL STREET AT THE ENTRANCE TO THE MANHATTAN BR (BROOKLYN BOUND). ABOVE TWO PEDESTRIANS WERE IN A MARKED CROSSWALK WALKING S/B ACROSS CANAL STREET ON THE EAST SIDE OF BOWERY. M/V1 DID STRIKE BOTH ABOVE PEDESTRIANS IN A MARKED CROSSWALK. A/O DID NOT WITNESS M/V/A BUT DID CONDUCT AN INVESTIGATION FINDING OPER M/V1 DID FAIL TO YIELD TO PEDESTRIAN IN CROSSWALK.**

8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A	1	1	4	1	(b)(6) (b)(7)c	---	13	6	RMA	RMA	(b)(6) (b)(7)c	N/A
B	P	---	---	---	---	1	3	2	9997	7205	---	N/A
C	---	---	---	---	---	---	---	---	---	---	---	---
D	---	---	---	---	---	---	---	---	---	---	---	---
E	---	---	---	---	---	---	---	---	---	---	---	---
F	---	---	---	---	---	---	---	---	---	---	---	---

Officer's Rank and Signature **PO** **CENTER, MATTHEW**
 Print Name in Full **CENTER, MATTHEW**
 Tax ID No. **924032**
 NCIC No. **03030**
 Precinct **HWY 1**
 Post/Sector **AIS TECH**
 Reviewing Officer **---**
 Date/TIME Reviewed **01/08/13**

PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on front).

A Last Name <u>N/A</u> First <u>N/A</u> M.I. <u></u>		D Last Name <u>N/A</u> First <u>N/A</u> M.I. <u></u>	
Address <u>N/A</u>		Address <u>N/A</u>	
Date of Birth <u>N/A</u> Month <u>N/A</u> Day <u>N/A</u> Year <u>N/A</u> Telephone (Area Code) <u>(N/A)</u>		Date of Birth <u>N/A</u> Month <u>N/A</u> Day <u>N/A</u> Year <u>N/A</u> Telephone (Area Code) <u>(N/A)</u>	
B Last Name <u>(b)(6) (b)(7)(c)</u> M.I. <u></u>		E Last Name <u>N/A</u> First <u>N/A</u> M.I. <u></u>	
Address <u></u>		Address <u>N/A</u>	
Date of Birth <u>(b)(6) (b)(7)(c)</u> Month <u></u> Day <u></u> Year <u></u> Telephone (Area Code) <u>(b)(6) (b)(7)(c)</u>		Date of Birth <u>N/A</u> Month <u>N/A</u> Day <u>N/A</u> Year <u>N/A</u> Telephone (Area Code) <u>(N/A)</u>	
C Last Name <u>N/A</u> First <u>N/A</u> M.I. <u></u>		Highway Dist. at Scene? ☒ Yes ☐ No	
Address <u>N/A</u>		Name: <u>PO CENTER</u>	
Date of Birth <u>N/A</u> Month <u>N/A</u> Day <u>N/A</u> Year <u>N/A</u> Telephone (Area Code) <u>(N/A)</u>		Shield No. <u>7654</u>	

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1 <u>52023007</u>	Vehicle No. 2 <u>N/A</u>
Expiration Date <u>11MAR2013</u>	Expiration Date <u>N/A</u>
VIN <u>YE2CC12B24045983</u>	VIN <u>N/A</u>

WITNESS (Attach separate sheet, if necessary)

Name _____ Address _____ Phone _____

DUPLICATE COPY REQUIRED FOR:

- | | | | |
|---|--|---|---|
| ☐ Dept. of Motor Vehicles
(if anyone is killed/injured) | ☐ Motor Transport Division
(RD. vehicle involved) | ☐ NYC Taxi & Limousine Comm.
(If a Licensed taxi or limousine involved) | ☐ Other City Agency
(Specify) _____ |
| ☐ Office of Comptroller
(if a City vehicle involved) | ☐ Personnel Safety Unit
(if a P.D. vehicle involved) | ☒ Highway Unit <u>ONE</u> | |

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

N/A

PROPERTY DAMAGED (other than vehicles)

OWNER OF PROPERTY (include city agency, where applicable)

N/A

N/A

N/A

N/A

IF NYPD VEHICLE IS INVOLVED:

Police Vehicle-Operator's First Name <u>N/A</u> Last Name <u>N/A</u>		Rank <u>N/A</u>	Shield No. <u>N/A</u>	Tax ID. No. <u>N/A</u>	Command <u>N/A</u>
Make of Vehicle <u>N/A</u>	Year <u>N/A</u>	Type of Vehicle <u>N/A</u>	Plate No. <u>N/A</u>	Dept. Vehicle No. <u>N/A</u>	Assigned To What Command <u>N/A</u>
Equipment in Use At Time of Accident					
☐ Siren ☐ Horn ☐ Turret Light ☐ 4-Way Flasher ☐ High-Level Warning Lights ☐ Traffic Cones ☐ Headlights					

ACTIONS OF POLICE VEHICLE

- | | |
|--|---|
| ☐ Responding to Code Signal _____ | ☐ Complying with Station House Directive |
| ☐ Pursuing Violator | ☐ Routine Patrol |
| ☐ Other (Describe) _____ | |

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT (NYC)
MV-104AN (7/11)Precinct 005
Accident No. 44

Complaint Number 121/122

Accident Date Month 01 Day 07 Year 2013		Day of Week Monday	Military Time 2254	No. of Vehicles 1	No. Injured 2	No. Killed 0	Not Investigated at Scene ☐	Left Scene ☐	Police Photos ☒ Yes ☐ No		
VEHICLE 1				☐ VEHICLE 2 ☐ BICYCLIST ☒ PEDESTRIAN ☐ OTHER PEDESTRIAN							
VEHICLE 1 - Driver License ID Number N/A				VEHICLE 2 - Driver License ID Number N/A							
Driver Name - exactly as printed on license N/A				Driver Name - exactly as printed on license (b)(6) (b)(7)c							
Address (include Number & Street) N/A				Address (include Number & Street) (b)(6) (b)(7)c							
City or Town N/A				City or Town N/A							
State N/A				State N/A							
Zip Code N/A				Zip Code N/A							
Date of Birth Month N/A Day N/A Year N/A				Date of Birth Month N/A Day N/A Year N/A							
Sex N/A				Sex N/A							
Unlicensed ☐				Unlicensed ☐							
No. of Occupants N/A				No. of Occupants N/A							
Public Property Damaged ☐				Public Property Damaged ☐							
Name - exactly as printed on registration N/A				Name - exactly as printed on registration N/A							
Address (include Number & Street) N/A				Address (include Number & Street) N/A							
City or Town N/A				City or Town N/A							
State N/A				State N/A							
Zip Code N/A				Zip Code N/A							
Plate Number N/A				Plate Number N/A							
State of Reg. N/A				State of Reg. N/A							
Vehicle Year & Make N/A				Vehicle Year & Make N/A							
Vehicle Type N/A				Vehicle Type N/A							
Ins. Code N/A				Ins. Code N/A							
Ticket/Arrest Number(s) N/A				Ticket/Arrest Number(s) N/A							
Violation Section(s) N/A				Violation Section(s) N/A							
Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.				Check if involved vehicle is: ☐ more than 95 inches wide; ☐ more than 34 feet long; ☐ operated with an overweight permit; ☐ operated with an overdimension permit.				Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.			
VEHICLE 1 DAMAGE CODES Box 1 - Point of Impact 1 2 Box 2 - Most Damage 3 4 5 Enter up to three more Damage Codes 3 4 5				VEHICLE 2 DAMAGE CODES Box 1 - Point of Impact 1 2 Box 2 - Most Damage 3 4 5 Enter up to three more Damage Codes 3 4 5				ACCIDENT DIAGRAM 1. Rear End 2. Overtaking 3. Left Turn 4. Right Angle 5. Right Turn 6. Left Turn 7. Head On 8. Sideswipe			
Vehicle By Towed: N/A Vehicle By Towed: N/A				Vehicle By Towed: N/A Vehicle By Towed: N/A				SEE DIAGRAM PAGE 1 OF 2			
VEHICLE DAMAGE CODING: 1-13. SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED 15. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER				3 4 5 6 7 2 13 8 1 12 11 10 9				Cost of repairs to any one vehicle will be more than \$1 000. ☐ Unknown/Unable to Determine ☐ Yes ☒ No			
Reference Marker		Coordinates (if available)		Place Where Accident Occurred: ☐ BRONX ☐ KINGS ☒ NEW YORK ☐ QUEENS ☐ RICHMOND							
		Latitude/Northing:		Road on which accident occurred SOUTHBOUND BOWERY							
		Longitude/Easting:		(Route Number or Street Name) CANAL STREET							
				(Route Number or Street Name)							
				(Milepost, Nearest Intersecting Route Number or Street Name)							
Accident Description/Officer's Notes SEE DESCRIPTION PAGE 1 OF 2.											

8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only	
A													
B	P		1	(b)(6) (b)(7)c	11	10	6	9997	7295	(b)(6) (b)(7)c		N/A	
C													
D													
E													
F													
Officer's Rank and Signature PO				Tax ID No. 924032		NCIC No. 03030		Precinct HWY 1		Post/Sector AIS TECH		Reviewing Officer	
Print Name in Full CENTER, MATTHEW												Date/Time, Reviewed 01/08/13	

PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on front).

A Last Name <u>N/A</u> First <u>N/A</u> M.I. <u></u>			D Last Name <u>N/A</u> First <u>N/A</u> M.I. <u></u>		
Address <u>N/A</u>			Address <u>N/A</u>		
Date of Birth N/A Month N/A Day N/A Year		Telephone (Area Code) (N/A)	Date of Birth N/A Month N/A Day N/A Year		Telephone (Area Code) (N/A)
B Last Name <u>(b)(6) (b)(7)c</u> First <u></u> M.I. <u></u>			E Last Name <u>N/A</u> First <u>N/A</u> M.I. <u></u>		
Address <u></u>			Address <u>N/A</u>		
Date of Birth (b)(6) (b)(7)c		Telephone (Area Code) (b)(6) (b)(7)c	Date of Birth N/A Month N/A Day N/A Year		Telephone (Area Code) (N/A)
C Last Name <u>N/A</u> First <u>N/A</u> M.I. <u></u>			Highway Dist. at Scene? ☒ Yes ☐ No		
Address <u>N/A</u>			Name: <u>PO CENTER</u>		
Date of Birth N/A Month N/A Day N/A Year		Telephone (Area Code) (N/A) N/A	Shield No. <u>7654</u>		

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

Vehicle No. 1 <u>N/A</u>	Vehicle No. 2 <u>N/A</u>
Expiration Date <u>N/A</u>	Expiration Date <u>N/A</u>
VIN <u>N/A</u>	VIN <u>N/A</u>

WITNESS (Attach separate sheet, if necessary)

Name	Address	Phone

DUPLICATE COPY REQUIRED FOR:

- | | | | |
|---|--|---|---|
| ☐ Dept. of Motor Vehicles
(if anyone is killed/injured) | ☐ Motor Transport Division
(RD. vehicle involved) | ☐ NYC Taxi & Limousine Comm.
(if a Licensed taxi or limousine involved) | ☐ Other City Agency
(Specify) _____ |
| ☐ Office of Comptroller
(if a City vehicle involved) | ☐ Personnel Safety Unit
(if a P.D. vehicle involved) | ☒ Highway Unit <u>ONE</u> | |

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

N/A

PROPERTY DAMAGED (other than vehicles)

OWNER OF PROPERTY (include city agency, where applicable)

N/A

N/A

N/A

N/A

IF NYPD VEHICLE IS INVOLVED:

Police Vehicle-Operator's First Name <u>N/A</u> Last Name <u>N/A</u>		Rank <u>N/A</u>	Shield No. <u>N/A</u>	Tax ID. No. <u>N/A</u>	Command <u>N/A</u>
Make of Vehicle <u>N/A</u>	Year <u>N/A</u>	Type of Vehicle <u>N/A</u>	Plate No. <u>N/A</u>	Dept. Vehicle No. <u>N/A</u>	Assigned To What Command <u>N/A</u>

Equipment in Use At Time of Accident

- ☐ Siren
 ☐ Horn
 ☐ Turret Light
 ☐ 4-Way Flasher
 ☐ High-Level Warning Lights
 ☐ Traffic Cones
 ☐ Headlights

ACTIONS OF POLICE VEHICLE

- | | |
|--|---|
| ☐ Responding to Code Signal _____ | ☐ Complying with Station House Directive |
| ☐ Pursuing Violator | ☐ Routine Patrol |
| ☐ Other (Describe) _____ | |

EXHIBIT A

SUBJECT : Fung Wah Bus Transportation, Inc.

CASE NUMBER : MA-2013-0046-US1350

DOCUMENTS:

Documents establish Fung Wah Bus Transportation, Inc. has knowledge of and is familiar with the Federal Motor Carrier Safety Regulations.

1. A copy of their current Motor Carrier Identification Report (MCS-150) for Fung Wah Bus Transportation, Inc., dated 07/04/2012.
2. A copy of their previous USDOT Compliance Review for Fung Wah Bus Transportation, Inc. (15 pgs), review dated 10/20/2010.
3. A copy of the FMCSA Amended Notice of Claim (NOC) for Fung Wah Bus Transportation, Inc. (16 pgs), dated 11/10/2010.
4. A fully executed copy of the USDOT/FMCSA Eastern Service Center Settlement Agreement regarding Fung Wah Bus Transportation, Inc. (9 pgs), dated 12/21/2010.
5. Reference a copy of the USDOT/FMCSA Warning Letter sent to USDOT Number 954187 Fung Wah Bus Transportation, Inc., dated 11/16/2012.
6. A copy of the current MCMIS Company Safety Profile for Fung Wah Bus Transportation, Inc., pgs. 2-6, 32-34, & 39-52 (22 pgs), dated 02/06/2013.

REMARKS:

Fung Wah Bus Transportation, Inc's current Motor Carrier Identification Report (MCS-150) establishes that the carrier is a for-hire, interstate, non-hazardous, passenger-carrying motor carrier subject to the FMCSRs. Plus, they include a safety certification completed and signed by company president, Liang, Pei Lin.

The previous USDOT Compliance Review(s) for Fung Wah Bus Transportation, Inc., which was conducted within the past six years, shows the carrier has had prior contact with our agency that resulted with an unsatisfactory safety rating. The carrier should have known or had knowledge of and are familiar with their requirements under the Federal Motor Carrier Safety Regulations.

The NOC letter shows Fung Wah Bus Transportation, Inc. was assessed a civil penalty in the amount \$16,190.00 for violations of 49 CFR, Parts 383.37(a); 390.35; 391.11(b)(2)/ 391.11(a); 395.8(e); 395.8 (i) & 396.11(a) under case/investigation number MA-2010-0116-US1364.

The fully executed copy of the USDOT/FMCSA Eastern Service Center Settlement Agreement further support Fung Wah Bus Transportation, Inc's history of previously being penalized for violations in the same Part(s) (closed cases only) against the carrier within the past 6 years.

EXHIBIT A

SUBJECT : Fung Wah Bus Transportation, Inc.

CASE NUMBER : MA-2013-0046-US1350

The warning letter also shows Fung Wah Bus Transportation, Inc. had a significant contact with the agency recently. It indicated a review of the carrier's safety data had been conducted and shows a lack of compliance with the motor carrier safety regulations and suggested that their performance had fallen to an unacceptable level in the area(s) of Unsafe Driving and Driver Fitness and it urged the carrier to take this letter seriously and improve their safety record.

The current MCMIS Company Safety Profile for Fung Wah Bus Transportation, Inc., shows the carrier's current safety rating as conditional, their review/rating history for safety and compliance on 09/25/2003, 04/08/2004, 04/01/2005, 04/25/2006, 09/26/2006, 08/21/2008, and 10/20/2010. Also, the carrier profile shows demonstrates that between 02/12/2012 and 02/02/2013, the carrier underwent thirty-three (33) Level II - Walk-Around Inspections, twenty-two (22) Level III - Driver Only Inspections and twenty-five (25) Level V - Terminal Inspections. For a total of eighty (80) roadside inspections within the past year, three (3) drivers and eight (8) vehicles were declared out of service.



MOTOR CARRIER IDENTIFICATION REPORT

(Application for U.S. DOT Number)

☐ NEW APPLICATION ☒ BIENNIAL UPDATE OR CHANGES ☐ OUT OF BUSINESS NOTIFICATION ☐ REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)

Expiration Date: 07/31/2012

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 954187	Legal: FUNG WAH BUS TRANSPORTATION INC	
		Operating (DBA):	
MC/MX #: 405969		Federal Tax ID: 13-4171659 (EIN)	
Review Type: Compliance Review (CR) - Receipt			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.	Territory:
Operation Types		Business: Corporation	
Interstate	Intrastate	Gross Revenue: \$968,000.00 for year ending: 12/31/2009	
Carrier: Non-HM	N/A		
Shipper: N/A	N/A		
Cargo Tank: N/A			
Company Physical Address:			
25 EDINBORO STREET 3RD FLOOR BOSTON, MA 02111			
Contact Name: Louisa Liang			
Phone numbers: (1) 617- 338-8308 (2) 212-925-8889 Fax 617-338-1163			
E-Mail Address: eticket@fungwahbus.com; ying255@aol.com			
Company Mailing Address:			
25 EDINBORO STREET 3RD FLOOR BOSTON, MA 02111			
Report Summary			
Report		# of Pages	
Part A - General		2	
Part B - Violations		3	
Part B - Recommendations		6	
Review/Audit Receipt Page		1	
Total Pages		12	
<i>Part 385.13, 385.15, 385.17, Table 1 of violations</i>			
Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.			
Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at: 50 Mall Road, Suite 212 Burlington, MA 01803 Phone: (781)425-3210 Fax: (781)425-3225			
This report will be used to assess your safety compliance.			
Person(s) Interviewed			
Name: Louisa Liang		Title: Manager/Supervisor	
Name:		Title:	
Reported By: <i>[Signature]</i>		Title: Safety Investigator	Code: US1364 Date: 10/20/2010
Received By: <i>[Signature]</i>		Title: Manager	



UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 954187	Legal: FUNG WAH BUS TRANSPORTATION INC Operating (DBA):	
	MC/MX #: 405969 Federal Tax ID: 13-4171659 (EIN)		
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S. Territory:	
Operation Types Interstate Intrastate			
Carrier: Non-HM N/A Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: \$968,000.00 for year ending: 12/31/2009	
Company Physical Address:			
25 EDINBORO STREET 3RD FLOOR BOSTON, MA 02111			
Contact Name: Louisa Liang Phone numbers: (1) 617- 338-8308 (2) 212-925-8889 Fax 617-338-1163 E-Mail Address: eticket@fungwahbus.com; ying255@aol.com			
Company Mailing Address:			
25 EDINBORO STREET 3RD FLOOR BOSTON, MA 02111			
Carrier Classification			
Authorized for Hire			
Cargo Classification			
Passengers			
Does carrier transport placardable quantities of HM? No			
Is an HM Permit required? N/A			
Driver Information			
Inter Intra		Average trip leased drivers/month: 0	
< 100 Miles:		Total Drivers: 33	
>= 100 Miles: 33		CDL Drivers: 33	
Equipment			
Owned Term Leased Trip Leased		Owned Term Leased Trip Leased	
Motor Coach 25 0 0			
Power units used in the U.S.: 25			
Percentage of time used in the U.S.: 100			





FUNG WAH BUS TRANSPORTATION INC
U.S. DOT #: 954187

Review Date:
10/20/2010

Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

50 Mall Road, Suite 212
Burlington, MA 01803
Phone: (781)425-3210 Fax:(781)425-3225

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Louisa Liang

Title: Manager/Supervisor

Name:

Title:





FUNG WAH BUS TRANSPORTATION INC
U.S. DOT #: 954187

Review Date:
10/20/2010

Part B Violations

1 FEDERAL ACUTE	Primary: 383.37(a)	Discovered 1	Checked 20	Drivers/Vehicles In Violation 1	Checked 20
Description Knowingly allowing, requiring, permitting, or authorizing an employee with a Commercial Driver's License which is suspended, revoked, or canceled by a state or who is disqualified to operate a commercial motor vehicle. Example Driver (b)(6) (b)(7)c trip date 4/30/2010.					
2 FEDERAL ACUTE	Primary: 390.35	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records. Example (b)(6) (b)(7)c 3/11/2010.					
3 FEDERAL	Primary: 391.11(b)(2) Secondary: 391.11(a)	Discovered 2	Checked 8	Drivers/Vehicles In Violation 2	Checked 8
Description Using a driver unable to read and/or speak the English language. Example Driver (b)(6) (b)(7)c trip date 3/4/2010.					
4 FEDERAL	Primary: 391.21(a)	Discovered 4	Checked 8	Drivers/Vehicles In Violation 4	Checked 8
Description Using a driver who has furnished an incomplete employment application. Example Driver (b)(6) (b)(7)c trip date 3/6/2010.					
5 FEDERAL	Primary: 391.25(c)(1)	Discovered 2	Checked 8	Drivers/Vehicles In Violation 2	Checked 8
Description Failing to maintain a copy of the response from each State agency in the driver qualification file. Example Driver (b)(6) (b)(7)c trip date 4/30/2010.					
6 FEDERAL	Primary: 392.2	Discovered 11	Checked 180	Drivers/Vehicles In Violation 2	Checked 7
Description Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. Example Driver (b)(6) (b)(7)c trip date 9/15/2010, Massachusetts Turn Pike exit 9 to exit 15, average speed was 72.6 miles per hour. The speed limit is 65 miles per hour.					





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7 FEDERAL	Primary: 395.8(e)	Discovered 5	Checked 180	Drivers/Vehicles In Violation 2	Checked 7
Description False reports of records of duty status. Example Driver (b)(6) (b)(7)c trip date 9/4/2010. Driver's log dated 9/4/2010 shows the driver off duty. Second log discovered dated, 9/4/2010 shows the driver driving and on duty.					
8 FEDERAL CRITICAL	Primary: 395.8(i)	Discovered 60	Checked 210	Drivers/Vehicles In Violation 6	Checked 7
Description Failing to require driver to forward within 13 days of completion, the original of the record of duty status. Example Driver (b)(6) (b)(7)c trip date . The drivers records of duty status for September were not forwarded until 10/14/2010.					
9 FEDERAL	Primary: 396.9(d)(3)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
Description Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business. Example Driver (b)(6) (b)(7)c trip date 3/4/10. issuing agency CT State Police. company designated vehicle number 78.					
10 FEDERAL CRITICAL	Primary: 396.11(a)	Discovered 27	Checked 210	Drivers/Vehicles In Violation 7	Checked 7
Description Failing to require driver to prepare driver vehicle inspection report. Example Driver (b)(6) (b)(7)c trip date 8/1/2010. company bus number 76.					
Safety Fitness Rating Information: Total Miles Operated 2,916,000 Recordable Accidents 2 Recordable Accidents/Million Miles 0.69		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 2 Number of Vehicles Inspected (MCMIS): 5			
Your proposed safety rating is : UNSATISFACTORY		Rating Factors		Acute	Critical
		Factor 1:	C	1	0
		Factor 2:	C	1	0
		Factor 3:	U	0	2
		Factor 4:	U	0	1
		Factor 5:	N	0	0
		Factor 6:	S	-	-

Effective date: The unsatisfactory rating will take effect 45 days after the date of a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

PROHIBITION: Under 49 USC sections 13905(f)(1)(B) and 31144, and 49 CFR section 385.13, a motor carrier that receives a final safety rating of unsatisfactory is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce





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and, if applicable, shall have its registration revoked unless and until such time the FMCSA determines the motor carrier is fit and the motor carrier has reinstated its registration.

49 U.S.C. 31144 provides that the prohibition takes effect unless the motor carrier, within 45 days of the date of the forthcoming official notice, takes the necessary steps to improve the rating to conditional or satisfactory.

Unless the motor carrier receives an improved rating within 45 days from the date of the forthcoming official notice from Washington, D.C, the motor carrier will be subject to the prohibition in 49 CFR 385.13.

Administrative Review: A motor carrier of hazardous materials or passengers may appeal its proposed safety rating in a petition filed pursuant to 49 CFR section 385.15 if it believes that the rating is in error and there are factual and procedural issues in dispute. Such appeals must be made within 90 days of the date of the proposed safety rating, but should be made within 15 days of the date of the safety rating notice to allow the FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. Appeals filed pursuant to section 385.15 should be addressed to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590. The motor carrier will receive a written decision on the petition within 30 days from receipt of the petition by the Chief Safety Officer. (See 49 CFR 385.15 for additional details.)

Request for change in the rating: At any time, a motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details).

(Note: Neither a petition to contest the rating nor a request for a change in the rating will delay the effective date of the rating, if unchanged.)

Null





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1. For Proposed Unsatisfactory Rating for All Property Motor Carriers HM/Pass)

This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 45 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations

Within 45 days, send a letter requesting a rating upgrade based on corrective action, or a 45-day extension, otherwise the UNSATISFACTORY rating becomes final on 46th day, see section 385.15.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
EASTERN SERVICE CENTER
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

Ensure that a CC copy of your letter is also mailed to:
Division Administrator Richard Bates
Department of Transportation
FMCSA
50 Mall Rd. Suite 212
Burlington, MA 01803

HOW TO REQUEST AN UPGRADE TO YOUR SAFETY RATING DETERMINATION BASED ON CORRECTIVE ACTION

The Federal Motor Carrier Safety Administration (FMCSA) allows motor carriers to request an upgrade of its safety rating based on corrective action as defined in 49 CFR section 385.17. The motor carrier's request for an upgrade must include a written description of corrective actions taken, documentation of these corrective actions, and an explanation of how its operations meet the safety standards and factors specified in 49 CFR sections 385.5 and 385.7.

The FMCSA requires a description of the corrective taken and will accept a safety management plan; hereinafter referred to as the Motor Carrier's Safety Management Plan (SMP) that outlines how you will prevent future violations as evidence of the safety management controls that have been put into place to satisfy the regulations of 49 CFR sections 385.5 and 385.7. You may at any time request, in writing, a change to your safety rating based on corrective actions. You should do so as soon as possible so that FMCSA has the opportunity to review your request before the effective date of the final safety rating. Your submission should be as detailed as possible and clearly indicate that it is a request for a safety rating upgrade under 49 CFR section 385.17. The regulations require that motor carriers submit their requests to the Field Administrator, Federal Motor Carrier Safety Administration, in which the motor carrier maintains its principal place of business. Two copies of the SMP shall be prepared and one submitted to each of the following addresses:

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
Robert Miller, Field Administrator
802 Cromwell Park Drive, Suite N,
Glen Burnie, MD, 21061
Ensure that a CC copy of your letter is also mailed to:
Division Administrator Richard Bates
Department of Transportation
FMCSA
50 Mall Rd., Suite 212
Burlington, MA 01803

The safety management plan should include, but is not limited to the following:





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The request must address each acute and/or critical violation on the most recent Compliance Review, and Factor 6 (Accident Factor) when the rating for Factor 6 is unsatisfactory.

1. The request should discuss the actions taken to correct the deficiency or deficiencies that allowed the acute and/or critical violation(s) to occur. Documentation of this corrective action must be submitted with your safety rating upgrade request. For example, documentation may include new policies and procedures, training programs and sign-in lists, or copies of missing drug/alcohol tests. NOTE: When a carrier is cited for a critical violation of 49 CFR Part 395 (Hours of Service of Drivers), the SMP must include a description of the system that the carrier will use to control hours of service and verify the accuracy of records of duty status, the types of supporting documents that will be used, documentation showing hours of service checks and false log checks, and progressive disciplinary programs and the results.

2. Outline actions taken to ensure the violations do not reoccur and long term goals of continuing efforts to stay in compliance in the future.

3. If Factor 6 (Accident Factor) is rated unsatisfactory, an accident countermeasure program should be included as part of the request. The program should include, but is not limited to, defensive driving training, winter driving tips, identification of causative factors, and preventive measures implemented to reduce crashes.

4. If the request includes actions that will be conducted in the near future, such as training, reorganization of operations, purchasing of computer programs, satellite tracking, etc., a detailed description of the activity or training, including the specific curriculum, with a schedule of when the subject activity will commence and when it will be completed, should be included.

5. Any additional documentation that relates to motor carrier safety and the prevention of accidents and hazardous materials incidents.

6. Include a written statement that the carrier will operate in compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Material Regulations, and that the motor carrier's operation currently meets the safety standard and factors specified in 49 CFR section 385.5. The statement must be signed by a corporate official or owner of the company.

NOTE: Failing to adequately respond to each area listed above may result in a denial of your request for an upgrade to your safety rating.

Attachments: 49 CFR sections 385.13, 385.15, 385.17 - Safety Fitness Procedures

Sections 385.13, 385.15, & 385.17 - Safety Fitness Procedures

385.13 Unsatisfactory rated motor carriers; prohibition on transportation; ineligibility for Federal contracts.

(a) Generally, a motor carrier rated "unsatisfactory" is prohibited from operating a CMV. Information on motor carriers, including their most current safety rating, is available from the FMCSA on the Internet at <http://www.safersys.org/>, or by telephone at (800) 832-5660.

(a)(1) Motor carriers transporting hazardous materials in quantities requiring placarding, and motor carriers transporting passengers in a CMV, are prohibited from operating a CMV in motor carrier operations in commerce beginning on the 46th day after the date of the FMCSA notice of proposed "unsatisfactory" rating.

(a)(2) All other motor carriers rated as a result of reviews completed on or after November 20, 2000, are prohibited from operating a CMV in motor carrier operations in commerce beginning on the 61st day after the date of the FMCSA notice of proposed "unsatisfactory" rating. If FMCSA determines that the motor carrier is making a good-faith effort to improve its safety fitness, FMCSA may allow the motor carrier to operate for up to 60 additional days.

(b) A Federal agency must not use a motor carrier that holds an "unsatisfactory" rating to transport passengers in a CMV or to transport hazardous materials in quantities requiring placarding.

(c) A Federal agency must not use a motor carrier for other CMV transportation if that carrier holds an "unsatisfactory" rating which became effective on or after January 22, 2001.

(d) Penalties.





Part B Requirements and/or Recommendations

(d)(1) If a proposed "unsatisfactory" safety rating becomes final, FMCSA will issue an order placing out of service the motor carrier's operations in commerce. The out-of-service order shall apply both to the motor carrier's operations in interstate commerce and to its operations affecting interstate commerce.

(d)(2) If a motor carrier's intrastate operations are declared out of service by a State, FMCSA must issue an order placing out of service the carrier's operations in interstate commerce. The following conditions apply:

(d)(2)(i) The State that issued the intrastate out-of-service order participates in the Motor Carrier Safety Assistance Program and uses the FMCSA safety rating methodology provided in this part; and

(d)(2)(ii) The motor carrier has its principal place of business in the State that issued the out-of-service order.

(d)(2)(iii) The order prohibiting the motor carrier from operating a CMV in interstate commerce shall remain in effect until the State determines that the carrier is fit.

(d)(3) Any motor carrier that operates CMVs in violation of this section is subject to the penalty provisions of 49 USC 521(b) and Appendix B to Part 386 of the FMCSRs.

[56 FR 40806, Aug. 16, 1991; 62 FR 60042-60043, November 6, 1997; 65 FR 50934, Aug. 22, 2000; 72 FR 36788, July 5, 2007; 72 FR 55700, Oct. 1, 2007]

385.15 Administrative review.

(a) A motor carrier may request the FMCSA to conduct an administrative review if it believes the FMCSA has committed an error in assigning its proposed safety rating in accordance with Sec. 385.15(c) or its final safety rating in accordance with Sec. 385.11(b).

(b) The motor carrier's request must explain the error it believes the FMCSA committed in issuing the safety rating. The motor carrier must include a list of all factual and procedural issues in dispute, and any information or documents that support its argument.

(c) The motor carrier must submit its request in writing to the Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE, Washington DC 20590.

(c)(1) If a motor carrier has received a notice of a proposed "unsatisfactory" safety rating, it should submit its request within 15 days from the date of the notice. This time frame will allow the FMCSA to issue a written decision before the prohibitions outlined in Sec. 385.13 (a) (1) and (2) take effect. Failure to petition within this 15 day period may prevent the FMCSA from issuing a final decision before such prohibitions take effect.

(c)(2) A motor carrier must make a request for an administrative review within 90 days of the date of the proposed safety rating issued under Sec. 385.11(c) or a final safety rating issued under Sec. 385.11(b), or within 90 days after denial of a request for a change in rating under Sec. 385.17(i).

(d) The FMCSA may ask the motor carrier to submit additional data and attend a conference to discuss the safety rating. If the motor carrier does not provide the information requested, or does not attend the conference, the FMCSA may dismiss its request for review.

(e) The FMCSA will notify the motor carrier in writing of its decision following the administrative review. The FMCSA will complete its review:

(e)(1) Within 30 days after receiving a request from a hazardous materials or passenger motor carrier that has received a proposed or final "unsatisfactory" safety rating.

(e)(2) Within 45 days after receiving a request from any other motor carrier that has received a proposed or final "unsatisfactory" safety rating.

(f) The decision constitutes final agency action.

(g) Any motor carrier may request a rating change under the provisions of Sec. 385.17.

[56 FR 40806, Aug. 16, 1991; 62 FR 60043, November 6, 1997; 65 FR 50935, Aug. 22, 2000]

385.17 Change to safety rating based on corrective actions.

(a) A motor carrier that has taken action to correct the deficiencies that resulted in a proposed or final rating of "conditional" or "unsatisfactory" may request a rating change at any time.

(b) A motor carrier must make this request in writing to the FMCSA Service Center for the geographic area where the carrier maintains its principal place of business. The addresses and geographical boundaries of the Service Centers are listed in Sec. 390.27 of this chapter.

(c) The motor carrier must base its request upon evidence that it has taken corrective actions and that its operations currently meet the safety standard and factors specified in Secs. 385.5 and 385.7. The request must include a written description of corrective actions taken, and other documentation the carrier wishes the FMCSA to consider.

(d) The FMCSA will make a final determination on the request for change based upon the documentation the motor carrier submits, and any additional relevant information.

(e) The FMCSA will perform reviews of requests made by motor carriers with a proposed or final "unsatisfactory" safety rating in the following time periods after the motor carrier's request:





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(e)(1) Within 30 days for motor carriers transporting passengers in CMVs or placardable quantities of hazardous materials.

(e)(2) Within 45 days for all other motor carriers.

(f) The filing of a request for change to a proposed or final safety rating under this section does not stay the 45 day period specified in Sec. 385.13(a)(1) for motor carriers transporting passengers or hazardous materials. If the motor carrier has submitted evidence that corrective actions have been taken pursuant to this section and the FMCSA cannot make a final determination within the 45 day period, the period before the proposed safety rating becomes final may be extended for up to 10 days at the discretion of the FMCSA.

(g) The FMCSA may allow a motor carrier with a proposed rating of "unsatisfactory" (except those transporting passengers in CMVs or placardable quantities of hazardous materials) to continue to operate in interstate commerce for up to 60 days beyond the 60 days specified in the proposed rating, if the FMCSA determines that the motor carrier is making a good faith effort to improve its safety status. This additional period would begin on the 61st day after the date of the notice of the proposed "unsatisfactory" rating.

(h) If the FMCSA determines that the motor carrier has taken the corrective actions required and that its operations currently meet the safety standard and factors specified in Secs. 385.5 and 385.7, the agency will notify the motor carrier in writing of its upgraded safety rating.

(i) If the FMCSA determines that the motor carrier has not taken all the corrective actions required, or that its operations still fail to meet the safety standard and factors specified in Secs. 385.5 and 385.7, the agency will notify the motor carrier in writing.

(j) Any motor carrier whose request for change is denied in accordance with paragraph (i) of this section may request administrative review under the procedures of Sec. 385.15. The motor carrier must make the request within 90 days of the denial of the request for a rating change. If the proposed rating has become final, it shall remain in effect during the period of any administrative review.

[56 FR 40806, Aug. 16, 1991; 62 FR 60043, November 6, 1997; 65 FR 50935, Aug. 22, 2000]

For the entire 49 CFR Part 385 regulations, please consult the Code of Federal Regulations.

Send to:

FMCSA Eastern Service Center,
Attention: Robert Miller, Field Administrator
802 Cromwell Park Drive, Suite N,
Glen Burnie, MD, 21061.

Ensure that a CC copy of your letter is also mailed to:

Division Administrator Richard Bates
Department of Transportation
FMCSA
50 Mall Rd, Suite 212
Burlington, MA 01803

2. If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration,

Department of Transportation
FMCSA
50 Mall Rd, Suite 212
Burlington, MA 01803
Phone: (781) 425-3210 Fax: (781) 425-3225

3. Please Note: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent notice of claim. In addition, your history of prior violations of the Federal Motor Carrier Regulations, Federal Hazardous Materials Regulations, or the Federal Motor Carrier Commercial Regulations may also affect civil penalty proposed in any subsequent notice of claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified by the investigator. Attached to this report is a table, which identifies all the documented violations which were discovered





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during the course of this compliance review.

4. The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor 6 on the Compliance Review. If so the motor carrier must submit the compelling evidence within five calendar days to:

Division Administrator Richard Bates
Department of Transportation
FMCSA
50 Mall Rd. Suite 212
Burlington, MA 01803
Phone: (781) 425-3210 Fax: (781) 425-3225

5. You may prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to

Division Administrator Richard Bates
Department of Transportation
FMCSA
50 Mall Rd. Suite 212
Burlington, MA 01803
Phone: (781) 425-3210 Fax: (781) 425-3225

6. A copy of your carrier profile can be obtained for \$20 from the SAFER website (<http://safer.fmcsa.dot.gov>) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.

7. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm.

8. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfigs/eta/index.html

9. Security Notification (America Needs You)

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

10. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001,
For questions about licensing, authority or MC numbers: 202-366-9805,
For questions about insurance: 202-385-2423,
For household goods complaints: 888-DOT-SAFT (888-368-7238)

11. Obtain a copy of each driver's driving record and review it annually.

12. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.





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13. Do not schedule or require drivers to make trips requiring them to exceed posted speed limits in order to complete the run within the hours of service limits.
14. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
15. Establish a system to control passenger-carrying drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70-hour limits.
16. Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.
17. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs or other documents by any driver or employee. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.





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Part C**Reason for Review:** Complaint Investigation MA-2010-0116-US1364**Planned Action:** Prosecution MA-2010-0116-US1364**Safestat Category:** E**Parts Reviewed Certification:**

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews

8/21/2008

9/26/2006

4/25/2006

Prior Prosecutions

5/30/2006

4/12/2004

11/6/2003

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Interstate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

45-Day - Interstate Passenger

Corporate Contact: Louisa Liang

Corporate Contact Title: Manager

Special Study Information:**Remarks:**

A compliance review was conducted on Fung Wah Transportation Inc. (FW) USDOT #954187, due to a complaint for a violation of Part 391, of the FMCSA regulations. The review was conducted at the carrier's principle place of business. Multiple calls to the carrier had to be made before the review could be successfully scheduled. Employees on several telephone calls could not communicate effectively in English and said to call back. Manager Louisa Liang and Station Manager Yat Kuen Chan was the company representatives interviewed during the compliance review. FW most recent compliance review was in 2008. The carrier received a satisfactory rating as a result of the review. FW currently and at the time of the assignment had a "E" Safestat rating. FW operates 25 motor coaches all of which are designed to transport 16 or more passengers. The company is a for hire carrier. The company provides passenger service between Boston, MA and New York, NY. The company had an average number of 38 drivers in calendar year 2009 and currently has 33 drivers.

The MCMIS report indicated that the carrier has had 36 road side inspections in the last 12 months. The carrier's most recent qualifying inspections were counted. These 5 inspections were used to calculate the carrier's out of service rate.

The carrier profile report indicated that the carrier had 1 reportable accident in the previous 12 months. A review of the carrier's records and interviews with company officials revealed one additional reportable accident.

The review revealed the following information that was not covered in the previous sections;

PART 382:

The carrier belongs to the drug and alcohol consortium St. Louis MRO Inc 3895 Jeffco Boulevard Arnold, Missouri 63010, phone 636-461-1300. The carrier is in a pool with other companies. The pool name is "Lancer". The random drug and alcohol test numbers were verified and the required numbers of tests to meet compliance were completed. The carrier did not have any drivers test positive during the review period. The carrier has hired 7 drivers in the previous 12 months. The carrier conducted pre employment tests on all of the drivers. One driver was hired a month prior to being tested a (b)(6) (b)(7)(c) However, he could not be documented driving prior to his negative results being known. The consortium was contacted and Customer Service Representative Nancy Borchardt verified the information provided.

PART 383:

The appropriate sample of CDL licenses were checked through CDLIS. They each currently have a valid CDL license with the appropriate endorsement. However 2 drivers were observed to have been suspended during the previous 12 months; e





Part C

(b)(6) (b)(7)c was suspended from 4/26/2010 to 5/5/2010 and (b)(6) (b)(7)c was suspended from 1/22 to 3/17/2010. When the drivers records for the time period were requested from Ms. Liang she did not immediately hand over the requested file but was seen rummaging through it. When the request was repeated and the file handed over there were not any documents for (b)(6) (b)(7)c from January to March 26, 2010 in the file. Documents or evidence showing (b)(6) (b)(7)c operated while suspended was attempted to be obtained with negative results. (b)(6) (b)(7)c was interviewed and he stated that his boss Mr. Liang was the one that informed him that his license was suspended. He stated a letter had been sent to the company. Ms. Liang stated she could not find the letter. Ms. Liang acknowledged that the state of NY does send a letter when a driver is suspended or receives a violation.

PART 387:

The carrier had evidence of the appropriate level of insurance.

PART: 390:

The carrier has been updating the Form MCS-150 as required.

PART 391:

The carrier's records were located in office on the 3rd floor of 25 Edinboro St. The driver's qualification files were produced by Ms. Liang. Interviews were conducted with several drivers. 2 of these drivers were unable to communicate or understand multiple questions asked orally in English. These drivers were unable to read, answer or write a response to any questions written in English. Ms. Liang claimed that she was not aware of this and did not have a copy of the road side inspection report where one of these drivers had been placed out of service on 3/4/2010 for not speaking English sufficiently. This same driver was allowed to drive again on 3/6/2010. Ms. Liang stated the driver never provided the inspection report to the company. A copy of the report was obtained from the CT state police. This document was signed by Ms. Liang that she had correct the violations reported. Ms. Liang signature was clear on the form. She was asked at the close out interview if that was her signature and she admitted, "yes".

PART 392:

The L&I Database showed the carrier has active operating authority.

PART 395:

The driver's records of duty status were provided by Ms. Liang. The records were kept in the row of black file cabinets in the office. Ez pass, dispatch records and fuel records were provided for supporting documents. The dispatch and fuel records were in Chinese. The dispatch records were sent to the state partners in Massachusetts in an attempt to be translated to English. The records were unable to be translated. The carrier was unable to produce the records of duty status for one driver when the records were requested and for multiple days for other drivers. Ms. Liang stated on October 14, that one of the drivers had not sent in his logs in for September because he was on vacation, that there was another driver that didn't send his in, that another driver was off for a week and didn't do them. Ms. Liang stated several drivers don't send them in when they are off. Ms. Liang stated, "are they supposed to do the logs for days they have off?"

PART 396:

Ms. Liang produced maintenance records' showing preventive maintenance is completed at a minimum of every three months. Ms. Liang was unable to produce evidence that one driver had completed any daily vehicle inspection reports and multiple daily vehicle inspection reports were unable to be produced. Ms. Liang stated some drivers are lazy and don't do the paperwork. Ms. Liang produced documents showing that the vehicle defects noted on the road side inspection reports were repaired.

Enforcement is being taken on the critical and acute violations discovered and the additional violations of part 391 and 395.

On October 20, 2010 I met with Ms. Liang for the close out interview.

The compliance review report was issued to her along with the critical and acute violations listed on table 1 and additional violations were enforcement is being taken, and the copies of parts 385.13, 385.15, and 385.17. Ms. Liang signed for receipt of the report on behalf of the company. The carriers unsatisfactory rating with the along with the ramifications of the rating and the parts 385 were explained. Copies of part 385.13, 385.15, and 385.17 were included in the report given. The carrier was advised that any request for an upgrade has to be in writing and sufficient documentation has to be provided to support the request.





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Part C

Upload Authorized:	Yes	No
Authorized by:		Date:
Uploaded:	Yes	No
Verified by:		Failure Code:
		Date:





US Department
Of Transportation
Federal Motor Carrier
Safety Administration

Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, Maryland 21061

In Reply Refer To:
MC-EFE-SV

December 21, 2010

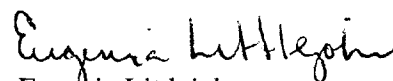
Louisa Liang, Manager
Fung Wah Bus Transportation, Inc.
25 Edinboro Street, 3rd Floor
Boston, MA 02111

RE: Fung Wah Bus Transportation, Inc.
Case No.: MA-2010-0116-US1364
USDOT#: 954187
MC#: 405969

Dear Mr. Liang:

Enclosed is a fully executed copy of the Settlement Agreement with reference to the above subject case for your recordkeeping purposes. Coupons are also enclosed for convenience of payment.

Sincerely,


Eugenia Littlejohn
General Clerk

Enclosure

CERTIFICATE OF SERVICE

This is to certify that on December 21, 2010 the undersigned mailed or delivered, as specified, the designated number of copies of the Fully Executed Settlement Agreement and to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Louisa Liang, Manager
Fung Wah Bus Transportation, Inc.
25 Edinboro Street, 3rd Floor
Boston, MA 02111

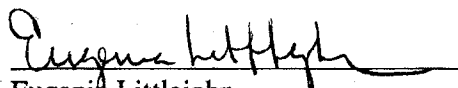
Original
United Parcel Service

Richard R Bates, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
50 Mall Road, Suite 212
Burlington, MA 01803

One Copy
Electronic Mail (EDMS)

Eastern Service Center
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

One Copy
Personal Delivery


Eugenia Littlejohn
General Clerk

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of)

Fung Wah Bus Transportation, Inc.)
25 Edinboro Street, 3rd Floor)
Boston, MA 02111)

Case No. MA-2010-0116-US1364
USDOT No. 954187
MC No. 405969

SETTLEMENT AGREEMENT

The Parties to this agreement are:

Fung Wah Bus Transportation, Inc. (hereinafter called the **RESPONDENT**);

and

The **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION** of the Department of Transportation (hereinafter called the **FMCSA**).

The Parties agree as follows:

1. A. The FMCSA has a pending claim against the **RESPONDENT** for violations of Federal statutes and regulations, including the Federal Motor Carrier Safety Regulations, (hereinafter referenced as FMCSRs), Hazardous Materials Regulations (hereinafter referenced as the HMRs) and/or the Federal Motor Carrier Commercial Regulations (hereinafter referenced as the FMCCRs) as follows:

In Case Number **MA-2010-0116-US1364** the FMCSA has a claim for **\$16,190.00** against the **RESPONDENT** for the following violations:

One (1) violation of 49 C.F.R. § 383.37(a) – Knowingly allowing, requiring, permitting, or authorizing an employee with a Commercial Driver's License which is suspended, revoked, or canceled by a state or who is disqualified to operate a commercial motor vehicle.

One (1) violation of 49 C.F.R. § 390.35 – Making, or causing to make fraudulent or intentionally false statements or records and / or reproducing fraudulent records.

Two (2) violations of 49 C.F.R. § 391.11(b)(2) / 391.11(a) – Using a driver unable to read and / or speak the English language.

One (1) violation of 49 C.F.R. § 395.8(e) – False reports of records of duty status.

Three (3) violations of 49 C.F.R. § 395.8(i) – Failing to require driver to forward within 13 days of completion, the original of the record of duty status.

One (1) violation of 49 C.F.R. § 396.11(a) – Failing to require driver to prepare driver vehicle inspection report.

- B. This claim as was served by Amended Notice of Claim to the **RESPONDENT** on November 10, 2010.

2. **RESPONDENT** is subject to the jurisdiction of the FMCSA. The statutory basis for the jurisdiction and the claim as set forth and detailed in the above-referenced civil penalty proceeding is found in 49 USC Subtitle III, General and Intermodal Programs; 49 USC Subtitle IV, Interstate Transportation, Part B, Motor Carriers, Water Carriers, Brokers, and Freight Forwarders; 49 USC Subtitle VI, Motor Vehicle and Driver Programs, Part B, Commercial; including, but not limited to, 49 USC § 521 ("Civil Penalties"); 49 USC § 5123(c) ("Civil Penalty"); and 49 USC § 14901 ("General Civil Penalties").
3. Pursuant to the Federal Claims Collection Act of 1966, 31 USC Chapter 37, Subchapter II, and the regulations of the Federal Motor Carrier Safety Administration in 49 CFR Part 386, the parties desire to settle the claim. This agreement for settlement of the claims is made pursuant to 49 C.F.R § 386.22. The FMCSA agrees to conditionally suspend **\$1,690.00** of the **\$16,190.00** in Case Number **MA-2010-0116-US1364** subject to the following terms and conditions:
 - A. **RESPONDENT** pays the non-suspended portion of the civil penalty in accordance with the terms of this settlement agreement, including all due dates and procedures for payment.
4. In consideration of the settlement of the above-described claim, and subject to the terms and conditions of this settlement agreement, **RESPONDENT** agrees to pay the FMCSA, and FMCSA agrees to accept the amount of **\$14,500.00**, in six (6) payments. The Parties stipulate this settlement agreement resolves only the claim set forth in Paragraph 1 of this settlement agreement. Further, the Parties stipulate nothing in this settlement agreement shall be construed to relieve or limit **RESPONDENT's** duty to comply with all applicable United States Department of Transportation statutes and implementing regulations, including the FMCSRs, HMRs, and the FMCCRs.
5. Payment may be made electronically through the SAFER website at <http://safer.fmcsa.dot.gov/> by selecting the "Online Fine Payment" option under the FMCSA Services section. Alternatively, payments may be made by mailing a **cashier's check, certified check or money order** payable to the **Federal Motor Carrier Safety Administration**. To expedite processing and ensure proper credit, checks should be annotated with the FMCSA Case Number. Payments are to be mailed to:

Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

The first payment of **\$2,425.00** is due no later than January 7, 2011.
The second payment of **\$2,415.00** is due no later than February 7, 2011.
The third payment of **\$2,415.00** is due no later than March 7, 2011.
The fourth payment of **\$2,415.00** is due no later than April 7, 2011.
The fifth payment of **\$2,415.00** is due no later than May 11, 2011.
The sixth payment of **\$2,415.00** is due no later than June 11, 2011.

6. Failure to pay in accordance with the terms of this settlement agreement and/or failure to comply with the terms and conditions of this settlement agreement is considered a breach of this settlement agreement and may result in the reinstatement of any penalties held in abeyance and may also result in the loss of any suspension in civil penalties asserted in the Notice of Claim, in which case the original amount asserted in the Notice of Claim

(less any payments previously made) will be due. Failure to comply with the terms and conditions of this settlement agreement shall also void and vacate any payment plan set forth in this settlement agreement. Failure to make an installment payment on schedule voids any payment plan set forth in this settlement agreement and the entire debt is payable. **If the entire amount is not paid within ninety (90) days of the missed due date for the installment payment, RESPONDENT will be prohibited from operating in interstate commerce and, if applicable, RESPONDENT'S registration will be suspended or revoked in accordance with 49 CFR §§ 386.83 and 386.84.** In addition, the remaining debt is subject to interest, penalties, and administrative charges at the maximum allowable rate and in accordance with FMCSA procedures. Any payment(s) made after a breach of any term and/or condition of this settlement agreement, including failure to pay in accordance with the terms of this settlement agreement, will be applied toward the balance of the original amount claimed, and shall not affect any right of FMCSA to pursue any remedy for breach of this settlement agreement.

7. The Parties stipulate the claim set forth in the above-described Notice of Claim is valid. By signing this settlement agreement, RESPONDENT waives any right it may have to subsequently challenge the validity of such claim. The Parties further stipulate this settlement agreement is a contract voluntarily entered into by the Parties which may be enforced. Further, failure to comply with the enumerated terms and conditions of this settlement agreement, including the terms and conditions set forth in Paragraph 3, will void and vacate any payment plan set forth in this agreement, and the original amount claimed (less any payments previously made) will be due. **FMCSA may pursue any action for violations of the FMCSRs, HMRs, and/or the FMCCRs and/or for recovery of the full penalty asserted in the Notice of Claim.** Any forbearance by FMCSA in exercising any right or remedy under this settlement agreement or provided by law, including, without limitation, FMCSA's acceptance of late payment(s) or payment(s) in amounts less than the amount due, shall not act as a waiver of or preclude the exercise of any right or remedy hereunder or otherwise available by law, nor shall it in any way affect the validity of this settlement agreement or any part thereof.
8. This settlement agreement **is to be executed by the RESPONDENT** and returned to FMCSA. This settlement agreement is not binding upon FMCSA until executed by the Field Administrator. Prior to the execution of this agreement by the Field Administrator, this agreement is an offer in compromise by the **RESPONDENT** and may not be withdrawn for a period of thirty (30) days after it is executed by the **RESPONDENT**. Upon execution of this settlement agreement by the Field Administrator, the settlement agreement will become the Final Agency Order in this proceeding. If this settlement agreement requires approval by the Assistant Administrator or the Administrative Law Judge, neither party may withdraw its consent to the settlement agreement for a period of thirty (30) days from the date the Field Administrator signs the Agreement, and the Settlement Agreement becomes the Final Agency Order in this proceeding as provided by 49 CFR § 386.22(c)-(e).
9. **RESPONDENT** acknowledges that it has received adequate notice of the FMCSA's claim and waives any and all rights it may have to further notice or to further details of the allegations that gave rise to the claim. Further, **RESPONDENT** expressly acknowledges that FMCSA had a reasonable basis in law and fact and was substantially justified in pursuing the claim against **RESPONDENT**.
10. Execution of this settlement agreement will constitute admission of the violation(s) set forth in this agreement and these violations shall constitute prior offenses under 49 USC § 521(b)(2)(D), and/or 14901(c), and/or 5123(c), which will lead to higher penalties in

future enforcement actions and adverse future SafeStat rankings.

11. This settlement agreement, including all enumerated conditions related to suspension of a portion of the assessed penalty, shall apply to, be binding upon, and enforceable against **RESPONDENT** and **RESPONDENT's** successors and assigns, including but not limited to, subsequent purchasers, transferees, and/or successor entity(ies).
12. This settlement agreement may be executed in counterparts, all of which when taken together shall constitute a fully executed original. A facsimile signature on this settlement agreement shall constitute an original signature for purposes of execution.
13. This settlement agreement shall be considered jointly drafted by the Parties, and constitutes the final and exclusive agreement between the Parties in this proceeding. All prior and contemporaneous agreements, representations, negotiations and understandings of the Parties, oral or written, are hereby superseded. Notwithstanding this provision, the Notice of Claim, as referenced in Paragraph 1 of this settlement agreement, is incorporated by reference in this Agreement.
14. **RESPONDENT** hereby acknowledges, represents, and warrants that he or she or its representative has carefully read and understands this Agreement, all of its terms and conditions, and its final and binding effect, and has been afforded sufficient time and opportunity to review this settlement agreement with advisors or attorneys of his, her, or its choice, has had an opportunity to negotiate with regard to the terms of this settlement agreement, is fully competent to enter into this settlement agreement, and has signed this settlement agreement knowingly, freely, and voluntarily. Each signatory acting on behalf of a partnership, corporation, limited liability company, or other entity represents and warrants that he or she is authorized to act on behalf of, and bind the entity in the signing of this settlement agreement.
15. Should any provision of this settlement agreement be held invalid or illegal, such illegality shall not invalidate the whole settlement agreement, but, rather, the settlement agreement shall be construed as if it did not contain the invalid or illegal part, and the rights and obligations of the Parties shall be construed and enforced accordingly.

Fung Wah Bus Transportation, Inc.
Case No. MA-2010-0116-US1364
USDOT No. 954187
MC No. 405969

By: _____

Louisa Liang, Manager

Date: _____

12/20/10

PLEASE FAX THE SIGNED AGREEMENT TO: (443)703-2253

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
EASTERN SERVICE CENTER

By: _____

for Robert W. Miller, Field Administrator

Date: _____

12/21/2010



Printed
12/21/10

Payment Number 1 of 6

Payment Due Date: 01/07/2011

Amount Due: \$2425.00

Enforcement Case Number: MA-2010-0116-US1364

Service Center: Eastern

Carrier Name: Fung Wah Bus Transportation Inc

DOT Number: 00954187

Date of Agreement / Order: 12/21/2010 Settlement Agreement Signed by FA

To insure prompt recording, please include this coupon with your payment.

Cut along dotted line



Printed
12/21/10

Payment Number 2 of 6

Payment Due Date: 02/07/2011

Amount Due: \$2415.00

Enforcement Case Number: MA-2010-0116-US1364

Service Center: Eastern

Carrier Name: Fung Wah Bus Transportation Inc

DOT Number: 00954187

Date of Agreement / Order: 12/21/2010 Settlement Agreement Signed by FA

To insure prompt recording, please include this coupon with your payment.

Cut along dotted line



Printed
12/21/10

Payment Number 3 of 6

Payment Due Date: 03/07/2011

Amount Due: \$2415.00

Enforcement Case Number: MA-2010-0116-US1364

Service Center: Eastern

Carrier Name: Fung Wah Bus Transportation Inc

DOT Number: 00954187

Date of Agreement / Order: 12/21/2010 Settlement Agreement Signed by FA

To insure prompt recording, please include this coupon with your payment.



Printed
12/21/10

Payment Number 4 of 6

Payment Due Date: 04/07/2011

Amount Due: \$2415.00

Enforcement Case Number: MA-2010-0116-US1364

Service Center: Eastern

Carrier Name: Fung Wah Bus Transportation Inc

DOT Number: 00954187

Date of Agreement / Order: 12/21/2010 Settlement Agreement Signed by FA

To insure prompt recording, please include this coupon with your payment.

Cut along dotted line



Printed
12/21/10

Payment Number 5 of 6

Payment Due Date: 05/07/2011

Amount Due: \$2415.00

Enforcement Case Number: MA-2010-0116-US1364

Service Center: Eastern

Carrier Name: Fung Wah Bus Transportation Inc

DOT Number: 00954187

Date of Agreement / Order: 12/21/2010 Settlement Agreement Signed by FA

To insure prompt recording, please include this coupon with your payment.

Cut along dotted line



Printed
12/21/10

Payment Number 6 of 6

Payment Due Date: 06/07/2011

Amount Due: \$2415.00

Enforcement Case Number: MA-2010-0116-US1364

Service Center: Eastern

Carrier Name: Fung Wah Bus Transportation Inc

DOT Number: 00954187

Date of Agreement / Order: 12/21/2010 Settlement Agreement Signed by FA

To insure prompt recording, please include this coupon with your payment.



U.S. Department of
Transportation
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

**Federal Motor Carrier
Safety Administration**

**FUNG WAH BUS TRANSPORTATION INC
25 EDINBORO STREET 3RD FLOOR
BOSTON, MA 02111**



November 16, 2012

In reply refer to:
USDOT Number: **954187**

Dear Motor Carrier:

A review of FUNG WAH BUS TRANSPORTATION INC's safety data shows a lack of compliance with motor carrier safety regulations and suggests that your safety performance has fallen to an unacceptable level in the area(s) of **Unsafe Driving and Driver Fitness**. The purpose of this letter is to: 1) inform you of your company's current safety performance; 2) explain how you can view your safety record and correct it if it contains erroneous data; and 3) describe what actions may be taken in the future if your safety performance does not improve.

This review and notice was based on the roadside inspection and crash performance of **FUNG WAH BUS TRANSPORTATION INC**. Based upon this review, the Federal Motor Carrier Safety Administration (FMCSA) will continue to assess the regulatory compliance of **FUNG WAH BUS TRANSPORTATION INC** on a monthly basis. FMCSA will also evaluate your safety performance through increased roadside inspections that target your company's performance area(s).

You are encouraged to visit the website <http://ai.fmcsa.dot.gov/sms/> to review your company's record. This website also contains instructions for requesting corrections to information that you believe to be incorrect. A password will be required to view your company information. Instructions to obtain a password are found on the website.

We urge you to take this warning letter seriously and improve your safety record. Failure to improve your company's safety performance will result in further investigation of your safety management practices, which may include requests for additional data through offsite or onsite interventions. Continued poor safety performance will result in penalties/sanctions, which could include civil penalties, suspension and/or revocation of State vehicle registration and revocation of your company's operating authority. Further, your operating record is available to other parties, which include shippers, brokers and insurance companies.

You can visit the FMCSA website at <http://www.fmcsa.dot.gov> to receive information about motor carrier safety rules and regulations. If you have additional questions regarding this matter or need assistance, please contact one of the following:

**Federal Motor Carrier Safety Administration
50 MALL ROAD, SUITE 212
BURLINGTON, MA 01803
Telephone No.: 781-425-3210**

**MASSACHUSETTS STATE POLICE
906 ELM STREET
CONCORD, MA 01742
Telephone No.: 978-369-1004**

Sincerely,

Joseph P. DeLorenzo
Director, Office of Enforcement and Compliance

U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Eastern Service Center

802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Phone: (443) 703-2240

Fax: (443) 703-2253

United Parcel Service (UPS)

November 10, 2010

Louisa Liang, Manager
Fung Wah Bus Transportation Inc
25 Edinboro Street 3rd Floor
Boston, MA 02111

AMENDED

NOTICE OF CLAIM¹ -- Violations of 49 CFR § 383.37(a); 390.35; 391.11(b)(2)
/391.11(a); 395.8(e); 395.8(i); 396.11(a).

CIVIL PENALTY: \$16,190

Case Number: MA-2010-0116-US1364

US DOT Number: 954187

Dear Ms. Liang :

This constitutes an Amended Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against Fung Wah Bus Transportation Inc. for the amount of \$16,190. This amended claim is based upon violations discovered during a safety compliance review conducted at your offices in Boston, MA on October 20, 2010. The purpose of this review was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

This amended claim is for the purpose of correcting the second paragraph of the November 5, 2010 Notice of Claim to reflect the proper amount of the civil penalty as \$16,190. No other changes to the original Notice of Claim were affected by this Amended Notice of Claim. Fung Wah Transportation Inc must reply to this Amended Notice of Claim. Otherwise, any replies received in response to the original Notice of Claim will be considered for this Amended Notice of Claim. This Amended Notice of Claim explains the basis for the penalty asserted and the nature of the violations discovered during the compliance review in the case referenced above.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws.

Case Number: MA-2010-0116-US1364

collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. Also, under 49 CFR §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit Fung Wah Transportation Inc from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.

SUMMARY OF VIOLATIONS

Your company is charged with:

1. One (1) violation of 49 CFR § 383.37(a)- Knowingly allowing, requiring, permitting, or authorizing an employee with a Commercial Driver's License which is suspended, revoked, or canceled by a state or who is disqualified to operate a commercial motor vehicle.
2. One (1) violation of 49 CFR § 390.35- Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records.
3. Two (2) violations of 49 CFR § 391.11(b)(2) /391.11(a)- Using a driver unable to read and/or speak the English language.
4. One (1) violation of 49 CFR § 395.8(e)- False reports of records of duty status.
5. Three (3) violations of 49 CFR § 395.8(i)- Failing to require driver to forward within 13 days of completion, the original of the record of duty status.
6. One (1) violation of 49 CFR § 396.11(a)- Failing to require driver to prepare driver vehicle inspection report.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Do not allow, require, permit, or authorize an employee with a Commercial Driver's License which is suspended, revoked, or canceled by a state or who is disqualified to operate a commercial motor vehicle.
2. Cease making or causing to make fraudulent or intentionally false entries on any application, certificate, report, or record required to be used, completed, or retained in accordance with 49 CFR Section 390.35.
3. Ensure that a driver does not drive a motor vehicle unless he/she is qualified to drive in accordance with all the provisions set forth in 49 CFR Section 391.11(b).

4. Ensure all drivers' records of duty status are accurate. Compare the drivers' records of duty status with other business records in your possession including, but not limited to, toll, fuel, repair, and other on the road expense receipts, as well as invoices, bills of lading, dispatch records, trip reports, and any other document generated by the trip, and driver earnings records, to verify accuracy of duty status record entries. Prohibit falsification of duty status records by any of your drivers.
5. Require all drivers to prepare complete and accurate records of duty status for each day and to submit them within 13 days.
6. Require all drivers to prepare a written vehicle inspection report at the end of each day's operation. Ensure each report is signed by the driver, that all safety related defects noted are repaired prior to operation of the motor vehicle, and that certification of repairs has been made if defects were reported. Keep all driver vehicle inspection reports, signed, certified, and reviewed, on file for at least 90 days in accordance with 49 CFR Part 396.

Failure to Abate Cited Violations

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions.

PENALTY

Penalty Factors for Violations of Safety and Hazardous Materials Regulations

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before proposing or claiming a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty proposed shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

Penalty Factors for Violations of Commercial Regulations

In the case of violations of the commercial regulations FMCSA also is not required by statute to consider the Section 521 factors. However, before proposing penalties for violations of the commercial regulations (more specifically the transportation of household goods), 49 U.S.C. § 14901 (c) requires FMCSA to take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

Discovered Versus Charged Violations

Violations of either safety or hazardous materials regulations discovered during the course of the compliance review, but not proposed for penalty in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. The violations found in Table 1, as attached to this Notice of Claim, detail the violations discovered during our review/inspection.

Case Number: MA-2010-0116-US1364

History of Prior Violations

Your history of prior violations of the FMCSRs, HMRs and/or FMCCRs, where applicable, also may have increased the civil penalty beyond that which would have otherwise been proposed in this Notice of Claim. [The following enforcement actions have been considered in the calculation of the civil penalty proposed herein:]

MA-2006-0132-US1204

MA-2006-0051-US0536

Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA)

A pattern of and/or repeated violations of the same or related acute or critical regulations will result in the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during an investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period. Any violations with a checkmark in the "§ 222 Applied" column in the penalty table below are subject to the "Section 222" provision and maximum penalties have been assessed pursuant to statute. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA is proposing a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>§222 APPLIED</u>	<u>TOTAL</u>
383.37(a)	CDL	1	\$2,300.00		\$2,300.00
390.35	R	1	\$920.00		\$920.00
391.11(b)(2) /391.11(a)	NR	2	\$4,400.00		\$8,800.00
395.8(e)	R	1	\$780.00		\$780.00
395.8(i)	R	3	\$870.00		\$2,610.00
396.11(a)	R	1	\$780.00		\$780.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$16,190.

2) CDL=Commercial Driver's License; FR=Financial Responsibility; HM=Hazardous Materials (the total penalty assessed is per citation, not per number of counts); NO=Notice and Orders; NR=Nonrecordkeeping; R=Recordkeeping; COM=Commercial Regulations.

HOW TO REPLY TO THE NOTICE OF CLAIM

Under 49 CFR Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," you have specific rights with respect to this Notice of Claim. You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. DO NOT call the FMCSA Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) PAYMENT OF PENALTY: Within 30 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at 443-703-2259. If you pay the full penalty within thirty (30) days of service of this Notice of Claim, you do not need to file a written Reply to the Notice of Claim.

You may pay the fine electronically through our SAFER website at <<http://safer.fmcsa.dot.gov>> by selecting "Online Fine Payment."

Alternatively, you may pay by cashier's check, certified check, or money order made payable to the FMCSA and mailed to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Personal or company checks will not be accepted and will be returned.

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice Claim and these violations shall constitute prior offenses under either 49 USC § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 USC § 14901(c) (for violations of the Federal Motor Carrier Commercial Regulations involving transportation of household goods) or 49 USC § 5123(c) (for violations of the Hazardous Materials Regulations) unless you proceed under the provisions of 49 C.F.R. § 386.18(c). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) REQUEST FOR ADMINISTRATIVE ADJUDICATION: You may contest the claim and request Administrative adjudication. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim.

Your Reply must be in writing, and clearly state the grounds for contesting the Notice of Claim, and must state any affirmative defenses you intend to assert. You must separately admit or deny each

violation alleged in this Notice of Claim. Any allegations in the Notice of Claim not specifically denied in the Reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator. Your Reply must include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii). Once you select an adjudication option, you are bound by that selection.

You must serve your reply on all persons listed in the Certificate of Service attached to this Notice of Claim and in accordance with the requirements of 49 CFR § 386.6.

(3) REQUEST FOR BINDING ARBITRATION: If you dispute **only** the amount of the civil penalty and/or the length of time to pay, you can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. You should notify the FMCSA of your request in writing when you submit your Reply. The Assistant Administrator will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Assistant Administrator's decision regarding your request. You may choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and/or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <<http://www.fmcsa.dot.gov/>>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN 49 CFR § 386.6.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 MAY BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN THIRTY (30) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE **EXACT** MANNER SPECIFIED IN 49 CFR § 386.14 MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR § 386.14(c), A FAILURE TO REPLY MAY CAUSE THE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER THIRTY (30) DAYS AFTER THIS NOTICE OF CLAIM IS SERVED. THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER WILL DECLARE YOU TO BE IN DEFAULT AND DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY PROPOSED IN THE NOTICE OF CLAIM, TO BE THE FINAL AGENCY ORDER IN THE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE FIVE (5) DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF YOUR OPPORTUNITY TO CONTEST THE CLAIM.

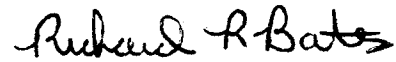
A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d)(1). UNLESS YOUR REPLY COMPLIES WITH THE REQUIREMENTS OF 49 CFR § 386.14(d)(1), THE ASSISTANT ADMINISTRATOR MAY ENTER A DEFAULT AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Case Number: MA-2010-0116-US1364

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Richard R. Bates".

Richard R. Bates
Division Administrator
Massachusetts Division - FMCSA

Enclosures

APPLICABLE STATUTES

Section 521(b)(2)(A) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under subchapter III of chapter 311 (49 USC §§ 31131 et seq.) (except sections 31138 and 31139) or 49 USC §§ 31301 and 31306, or section 31502 of 49 USC, shall be liable for a civil penalty in an amount not to exceed \$11,000 for each offense. No civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding \$2,750 (49 USC § 521(b)(2)(A) and 68 Fed. Reg. 15381 (March 31, 2003)). Section 5123(a) of 49 USC provides that any person who is determined to have committed an act that is a violation of regulations issued under chapter 51 shall be liable for a civil penalty in an amount not to exceed \$50,000 (71 FR 8487; February 17, 2006) for each offense. If the violation results in death, serious illness, or severe injury to any person, or in substantial destruction of property, the civil penalty may be increased to not more than \$105,000 for each offense (72 FR 55102; September 28, 2007).

Section 521(b)(2)(B)(ii) of 49 USC provides for a maximum civil penalty of \$10,000 for anyone who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in a record about an operation or business fact or transaction, or knowingly makes, prepares or preserves a record in violation of a regulation or order of the Secretary, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation. (49 USC § 521(b)(2)(B)(ii); August 10, 2005).

Section 521(b)(2)(B)(i) of 49 USC provides for a maximum civil penalty of \$1,000 for each recordkeeping offense, (including the failure to make a required report; or making a required report that does not specifically, completely, and truthfully answer a required question; or does not make, prepare, or preserve a record in the form and manner prescribed), and each day of the violation shall constitute a separate offense. The maximum of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed \$10,000 (49 USC § 521(b)(2)(B)(i); August 10, 2005).

Section 521(b)(2)(C) of 49 USC, as amended, provides for a maximum civil penalty of \$3,750 for each violation of the commercial drivers license regulations (49 USC § 521(b)(2)(C) and 68 Fed. Reg. 15381 (March 31, 2003)).

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 383.37(a) - Knowingly allowing, requiring, permitting, or authorizing an employee with a Commercial Driver's License which is suspended, revoked, or canceled by a state or who is disqualified to operate a commercial motor vehicle.

CHARGE #1:

On or about 4/30/2010, Fung Wah Bus Transportation Inc knowingly allowed, required, permitted, or authorized its driver (b)(6) (b)(7)c to operate a commercial motor vehicle, company vehicle number 92, which has a seating capacity for 57 passengers, in commerce from Boston, MA to New York, NY, when that driver's commercial motor vehicle driver's license had been suspended by the State of NY on 4/26/2010.

Violation 2 --- 49 CFR 390.35 - Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records.

CHARGE #1:

On or about 03/11/2010, Fung Wah Bus Transportation Inc Louisa Liang made or caused to be made fraudulent or intentionally false statements or records and/or reproduced fraudulent records. Ms. Liang denied that the company received roadside inspection report number CT00A-121961 dated 3/4/2010. This report was provided by the CT State Police and showed the company had received the report and sent it back certifying the violations were corrected. In this report the driver (b)(6) (b)(7)c was cited for a violation of 391.11(b)(2); Driver must be capable of reading and speaking the English language, sufficiently to converse with the general public and law enforcement. On 3/11/2010 Ms. Liang signed and certified on this inspection report that the violation was corrected (b)(6) (b)(7)c was allowed to drive on 3/6/2010 and has continued to drive for the company without being capable of reading and speaking the English language, sufficiently to converse with the general public and law enforcement. Ms. Liang stated that (b)(6) (b)(7)c was suspended for a few days and provided no other measures to correct the violation. (b)(6) (b)(7)c was interviewed on 10/18/2010 at this time (b)(6) (b)(7)c still was unable to read any English questions or write any response in English. (b)(6) (b)(7)c was unable to answer multiple oral questions in English.

Violation 3 --- 49 CFR 391.11(b)(2) /391.11(a) - Using a driver unable to read and/or speak the English language.

CHARGE #1:

On or about 3/6/2010, Fung Wah Bus Transportation Inc required or permitted its driver (b)(6) (b)(7)c to drive a commercial motor vehicle, company vehicle number 92, which has a seating capacity for 57 passengers, in interstate commerce from Boston, MA to New York, NY, when that driver was not qualified to drive. The driver was not qualified because was not be capable of reading and speaking the English language, sufficiently to converse with the general public and law enforcement. On 3/4/2010 driver (b)(6) (b)(7)c was cited and ordered out of service for a violation of 391.11(b)(2); Liang stated that (b)(6) (b)(7)c was suspended for a few days and provided no other measures to correct the violation. (b)(6) (b)(7)c was interviewed on 10/18/2010 at this time (b)(6) (b)(7)c still was unable to

STATEMENT OF CHARGES

read any English questions or write any response in English. (b)(6) (b)(7)c was unable to answer multiple oral questions in English.

CHARGE #2:

On or about 06/26/2010, Fung Wah Bus Transportation Inc required or permitted its driver (b)(6) (b)(7)c to drive a commercial motor vehicle, company vehicle number 92, which has a seating capacity for 57 passengers, in interstate commerce from Boston, MA to New York, NY, when that driver was not qualified to drive. The driver was not qualified because was not be capable of reading and speaking the English language. sufficiently to converse with the general public and law enforcement. On 6/25/2010 driver (b)(6) (b)(7)c was operating a company bus that broke down and was filling the bus with smoke. He was unable to communicate emergency instructions to the passengers. Ms. Liang stated that (b)(6) (b)(7)c was allowed to operate the next day. (b)(6) (b)(7)c was interviewed on 10/20/2010 at this time (b)(6) (b)(7)c still was unable to read any English questions or write any responses in English. (b)(6) (b)(7)c was unable to answer multiple oral questions in English.

Violation 4 --- 49 CFR 395.8(e) - False reports of records of duty status.

CHARGE #1:

On or about 09/05/2010, Fung Wah Bus Transportation Inc used driver (b)(6) (b)(7)c to drive a commercial motor vehicle, company vehicle number 68, which has a seating capacity for 57 passengers, in interstate commerce from Boston, MA to New York, NY. The driver made a false report of duty activities on the record of duty status for that date. The driver's record of duty status is false because the driver's log dated 9/5/2010 shows the driver off duty. A second log discovered dated, 9/5/2010 shows the driver driving and on duty.

Violation 5 --- 49 CFR 395.8(i) - Failing to require driver to forward within 13 days of completion, the original of the record of duty status.

CHARGE #1:

On or about 09/01/2010, Fung Wah Bus Transportation Inc used driver (b)(6) (b)(7)c to drive a commercial motor vehicle, company vehicle number 120, which has a seating capacity for 57 passengers, in interstate commerce from Boston, MA to New York, NY. The carrier failed to require the driver to forward within 13 days of completion, the original of the record of duty status. The driver's records of duty status for September were not forwarded until 10/14/2010.

CHARGE #2:

On or about 09/02/2010, Fung Wah Bus Transportation Inc used driver (b)(6) (b)(7)c to drive a commercial motor vehicle, company vehicle number 62, which has a seating capacity for 57 passengers, in interstate commerce from Boston, MA to New York, NY. The carrier failed to require the driver to forward within 13 days of completion, the original of the record of duty status. The driver's records of duty status for September were not forwarded until 10/14/2010.

CHARGE #3:

STATEMENT OF CHARGES

On or about 09/03/2010, Fung Wah Bus Transportation Inc used driver (b)(6) (b)(7)c to drive a commercial motor vehicle, company vehicle number 120, which has a seating capacity for 57 passengers, in interstate commerce from Boston, MA to New York, NY. The carrier failed to require the driver to forward within 13 days of completion, the original of the record of duty status. The driver's records of duty status for September were not forwarded until 10/14/2010.

Violation 6 --- 49 CFR 396.11(a) - Failing to require driver to prepare driver vehicle inspection report.

CHARGE #1:

On or about 8/1/2010, Fung Wah Bus Transportation Inc used driver (b)(6) (b)(7)c to drive a commercial motor vehicle, company vehicle number 76, which has a seating capacity for 57 passengers, in interstate commerce from Boston, MA to New York, NY. At the time of this transportation driver (b)(6) (b)(7)c failed to prepare a vehicle inspection report on the vehicle at the completion of the day's work.

Table One -- Violations
Fung Wah Bus Transportation Inc
US DOT #954187

Violation number Regulation Date Driver

1) *	383.37(a)	4/30/2010.	(b)(6) (b)(7)c	
1) *	390.35	3/11/2010		
1) *	391.11(b)(2)	3/6/2010		
2) *	391.11(b)(2)	6/26/2010		
1)	395.8(e)	9/2/2010		
2)	395.8(e)	9/3/2010		
3)	395.8(e)	9/4/2010		
4) *	395.8(e)	9/5/2010		
5)	395.8(e)	8/4/2010		
1) *	395.8(i)	9/1/2010		
2) *	395.8(i)	9/2/2010		
3) *	395.8(i)	9/3/2010		
4)	395.8(i)	9/4/2010		
5)	395.8(i)	9/5/2010		
6)	395.8(i)	9/6/2010		
7)	395.8(i)	9/7/2010		
8)	395.8(i)	9/8/2010		
9)	395.8(i)	9/9/2010		
10)	395.8(i)	9/10/2010		
11)	395.8(i)	9/11/2010		
12)	395.8(i)	9/12/2010		
13)	395.8(i)	9/13/2010		
14)	395.8(i)	9/14/2010		
15)	395.8(i)	9/15/2010		
16)	395.8(i)	9/16/2010		
17)	395.8(i)	9/17/2010		
18)	395.8(i)	9/18/2010		
19)	395.8(i)	9/19/2010		
20)	395.8(i)	9/20/2010		
21)	395.8(i)	9/21/2010		

Page 1 of 3 * Indicates these documents are used to support the civil penalty.

22)	395.8(i)	9/22/2010	(b)(6) (b)(7)c	
23)	395.8(i)	9/23/2010		
24)	395.8(i)	9/24/2010		
25)	395.8(i)	9/25/2010		
26)	395.8(i)	9/26/2010		
27)	395.8(i)	9/27/2010		
28)	395.8(i)	9/28/2010		
29)	395.8(i)	9/29/2010		
30)	395.8(i)	9/30/2010		
31)	395.8(i)	8/4/2010		
32)	395.8(i)	8/5/2010		
33)	395.8(i)	8/12/2010		
34)	395.8(i)	8/19/2010		
35)	395.8(i)	8/26/2010		
36)	395.8(i)	8/3/2010		
37)	395.8(i)	8/9/2010		
38)	395.8(i)	8/10/2010		
39)	395.8(i)	8/16/2010		
40)	395.8(i)	8/17/2010		
41)	395.8(i)	8/23/2010		
42)	395.8(i)	8/30/2010		
43)	395.8(i)	8/5/2010		
44)	395.8(i)	8/11/2010		
45)	395.8(i)	8/17/2010		
46)	395.8(i)	8/18/2010		
47)	395.8(i)	8/19/2010		
48)	395.8(i)	8/25/2010		
49)	395.8(i)	8/9/2010		
50)	395.8(i)	8/10/2010		
51)	395.8(i)	8/17/2010		
52)	395.8(i)	8/18/2010		
53)	395.8(i)	8/23/2010		
54)	395.8(i)	8/24/2010		
55)	395.8(i)	8/25/2010		
56)	395.8(i)	8/26/2010		
57)	395.8(i)	8/27/2010		
58)	395.8(i)	8/28/2010		

Page 2 of 3 * Indicates these documents are used to support the civil penalty.

[illegible]

Page 3 of 3 * Indicates these documents are used to support the civil penalty

SERVICE LIST

This is to certify that on November 10, 2010, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Louisa Liang, Manager
Fung Wah Bus Transportation Inc
25 Edinboro Street 3rd Floor
Boston, MA 02111

Original
United Parcel Service (UPS)

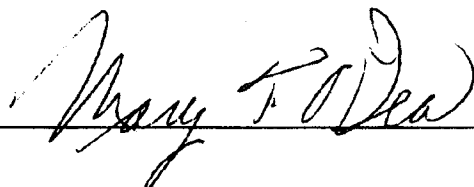
Richard R. Bates, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
50 Mall Rd.
Suite 212
Burlington, MA 01803

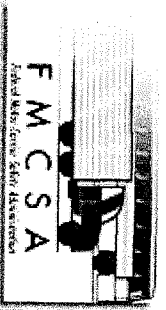
One Copy
in person / electronic copy

U.S. Department of Transportation
Federal Motor Carrier Safety Administration

One Copy
electronic copy

Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061





Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
Doing Business As:
USDOT #: 954187

Report 1

Carrier Operations and Safety Ratings

Physical Address:
25 EDINBORO STREET 3RD FLOOR
BOSTON, MA 02111
(617) 338-8308
County Name: SUFFOLK

Mailing Address:
25 EDINBORO STREET 3RD FLOOR
BOSTON, MA 02111

Status: ACTIVE
Class: AUTHORIZED FOR HIRE
Carrier Type: CARRIER
Carrier Operation: INTERSTATE
Shipper Operation:
Cargo: PASSENGERS
Hazmat C:
Hazmat S:
Drivers: 33
MCS-150 Date: 07/04/2012
Power Units: 27
New Entrant: NEVER IN NEW ENTRANT PROGRAM
Safety Audit:
NO SAFETY AUDIT FOR THIS COMPANY

Truck 0
Units:

Bus Units: 27

Safety Rating: CONDITIONAL

Rating Date: 12/07/2010

Review/Audit Date: 10/20/2010

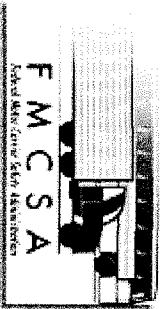
Review/Rating History:

Type	Review Date	Rating Date	Rating	Conducted By	Code	Reason Not Rated
COMPLIANCE	10/20/2010	12/07/2010	CONDITIONAL	US1364		
COMPLIANCE	08/21/2008	08/22/2008	SATISFACTORY	US1235		
COMPLIANCE	09/26/2006	09/28/2006	SATISFACTORY	US1204		
COMPLIANCE	04/25/2006	05/01/2006	SATISFACTORY	US0536		
COMPLIANCE	04/01/2005	04/11/2005	SATISFACTORY	US0573		
COMPLIANCE	04/08/2004	04/09/2004	SATISFACTORY	US1075		
COMPLIANCE	09/25/2003	11/24/2003	CONDITIONAL	US0411		

Below are details from most recent Rated Compliance Review:

Critical and Acute Violations:

ACUTE	Primary Violation	Secondary Violation
	390.35	



Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC

Doing Business As:

USDOT #: 954187

Report 1

Carrier Operations and Safety Ratings

Critical and Acute Violations:		
	Primary Violation	Secondary Violation
CRITICAL	395.8(l)	
CRITICAL	396.11(a)	
ACUTE	383.37(a)	

Factors Rated Conditional or Unsatisfactory:

Factor	Rating	Description
FACTOR1	CONDITIONAL	PART 390 - GENERAL REGULATIONS
FACTOR2	CONDITIONAL	PART 391 - QUALIFICATIONS OF DRIVERS
FACTOR2	CONDITIONAL	PART 383 - COMMERCIAL DRIVERS LICENSE
FACTOR3	UNSATISFACTORY	PART 395 - HOURS OF SERVICE OF DRIVERS
FACTOR3	UNSATISFACTORY	PART 392 - DRIVING OF MOTOR VEHICLES
FACTOR4	UNSATISFACTORY	PART 396 - INSPECTION, REPAIR, AND MAINTENANCE

Crashes (from Compliance Review, Part C):

Review Date: 10/20/2010	Review Mileage: 2,916,000						
	<table><tr><th>Number</th><th>Rate (Per Million Miles)</th></tr><tr><td>2</td><td>0.69</td></tr><tr><td>0</td><td>0.00</td></tr></table>	Number	Rate (Per Million Miles)	2	0.69	0	0.00
Number	Rate (Per Million Miles)						
2	0.69						
0	0.00						
*Total Recordable:							
*Preventable Recordable:							

*These rates are calculated based on mileage as of the Review Date and can only be changed through a follow-up Compliance Review

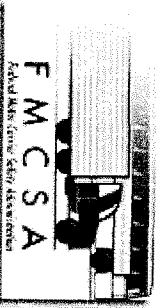
Mileage from Motor Carrier Identification Report (Form MCS-150):

Mileage Year: 2011 Carrier Reported Mileage: 2,928,600

Out of Service Records:

OOS Date	Rescind Date	OOS Reason	OOS Reason Desc
NO OOS RECORDS FOR THIS COMPANY			

Insurance Information:



Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name:

FUNG WAH BUS TRANSPORTATION INC

Doing Business As:

USDOT #: 954187

Report 1

Carrier Operations and Safety Ratings

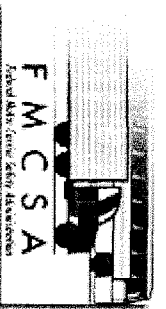
Name on Operating Authority Documents: FUNG WAH BUS TRANSPORTATION INC.
MC/MX Number: MC 405969

Operating Authority Status

Common Authority	Contract Authority	Broker Authority
ACTIVE	NONE	NONE

Insurance Requirements and Status:

Liability Insurance	Cargo Insurance	Bonds or Trust Fund
REQUIRED: \$5000	NOT REQUIRED	NOT REQUIRED
OK	OK	OK



Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Legal Name:

FUNG WAH BUS TRANSPORTATION INC

Company Safety Profile

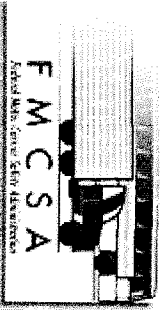
Doing Business As:

USDOT #: 954187

Report 2

BASICS Safety Information

BASICS Date:		25-JAN-13			
BASIC	Percentile	Investigation Deficient	Investigation Deficient Date	On-Road Performance	Safety Assessment
Unsafe Driving	65.9			Display Percentile	Alert
Hours-of-Service (HOS) Compliance	39.2		20-OCT-10	Display Percentile	
Driver Fitness	97		20-OCT-10	Display Percentile	Alert
Controlled Substances and Alcohol				0%	
Vehicle Maintenance	49.6		20-OCT-10	Display Percentile	
Hazardous Materials (HM) Compliance				No HM Veh. insp.	
Crash Indicator				0%	
Insurance/Other				Not Applicable	



Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Legal Name:

FUNG WAH BUS TRANSPORTATION INC

Company Safety Profile

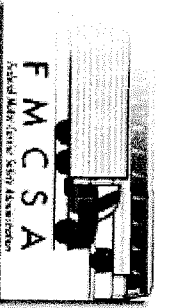
Doing Business As:

USDOT #: 954187

Report 2

BASICS Safety Information

BASICS Date:		14-DEC-12			
BASIC	Percentile	Investigation Deficient	Investigation Deficient Date	On-Road Performance	Safety Assessment
Unsafe Driving	57.9			Display Percentile	Alert
Hours-of-Service (HOS) Compliance	42.3		20-OCT-10	Display Percentile	
Driver Fitness	95.1		20-OCT-10	Display Percentile	Alert
Controlled Substances and Alcohol				0%	
Vehicle Maintenance	52.2		20-OCT-10	Display Percentile	
Hazardous Materials (HM) Compliance				No HM Veh. insp.	
Crash Indicator				0%	
Insurance/Other				Not Applicable	



Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
Doing Business As:
USDOT #: 954187
Report 3

Enforcement Data

Case/Investigation Number: MA-2010-0116-US1364
Total Settlement Amount: \$14,500.00
Closed Date: 12/21/2010 - SETTLEMENT AGREEMENT SIGNED BY FA
Settlement Agreement: 12/21/2010
Enforcement Tools Used:

Section Numbers Cited In Violations	Settlement Amount
396.11(a)	\$780.00
395.8(l)	\$2,610.00
395.8(e)	\$780.00
390.35	\$920.00
391.11(b)(2)/391.11(a)	\$8,800.00
383.37(a)	\$2,300.00

Case/Investigation Number: MA-2006-0132-US1204
Total Settlement Amount: \$31,110.00
Closed Date: 11/13/2006 - FULL PMT. RCVD.
Full Payment Received: 11/13/2006
Enforcement Tools Used:

Section Numbers Cited In Violations	Settlement Amount
391.11(b)(2)/391.11(a)	\$4,650.00
392.2	\$26,460.00

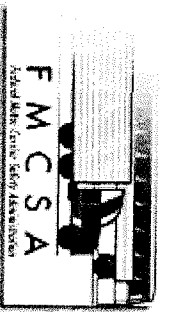
Case/Investigation Number: MA-2006-0051-US0536
Total Settlement Amount: \$12,950.00
Closed Date: 05/30/2006 - Resulting from Full Pmt. Rcvd.
Full Payment Received: 05/30/2006
Enforcement Tools Used:

Section Numbers Cited In Violations	Settlement Amount
392.2	\$12,950.00

Case/Investigation Number: NY-2004-0193-US1075

MCMIS Run Date 02/06/2013 04:53

Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All



Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
Doing Business As:
USDOT #: 954187
Report 3

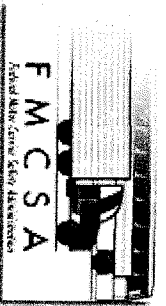
Enforcement Data

Total Settlement Amount: \$16,000.00
04/12/2004 - FULL PMT. RCVD.
Enforcement Received: 12/02/2004
Settlement Agreement: 04/12/2004
Enforcement Tools Used:

Section Numbers Cited In Violations	Settlement Amount
382.305(b)(1)	\$4,610.00
382.305(b)(2)	\$4,610.00
395.3(b)(2)	\$8,660.00

Case/Investigation Number: MA-2003-0085-US0411
Total Settlement Amount: \$1,980.00
Closed Date: 11/06/2003 - FULL PMT. RCVD.
Full Payment Received: 11/06/2003
Enforcement Tools Used:

Section Numbers Cited In Violations	Settlement Amount
382.115(a)	\$1,980.00



Selection Criteria:
 Crash Sum Date: 02/06/2011 To 02/06/2013
 Crash Detail Date: 02/06/2012 To 02/06/2013
 Insp Sum Date: 02/06/2011 To 02/06/2013
 Insp Detail Date: 02/06/2012 To 02/06/2013
 Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
 Doing Business As:
 USDOT #: 954187
 Report 6A

Inspections Summary

Driver includes Inspection Levels 1, 2, 3 and 6.
 Vehicle includes Inspection Levels 1, 2, 5 and 6.
 HM (Hazardous Materials) includes all Inspections where vehicle carries Hazardous Materials.

Average # of OOS Viol Per Insp = Average number Out-of-Service Violations per Inspection.

% OOS Inspections = Percentage of Inspections with 1 or more Out-of-Service Violations.

Categories Driver, Vehicle and HM may not add to the All column because two or more of these types of Violations may occur on the same Inspection.

Year	Number of Inspections				Number of OOS Inspections				% OOS Inspections		
	Driver	Vehicle	HM	All	Driver	Vehicle	Hm	All	Driver	Vehicle	HM
02/07/2012 TO	55	58	0	80	3	8	0	11	5.455%	13.793%	0%
02/06/2013											
02/06/2011 TO	77	69	0	110	6	19	0	25	7.792%	27.536%	0%
02/06/2012											
Total:	132	127	0	190	9	27	0	36	6.818%	21.260%	0%
Year	Number of OOS Violations				Average # of OOS Violations						
	Driver	Vehicle	HM	All	Driver	Vehicle	HM	All			
02/07/2012 TO	3	13	0	16	0.1	0.2	0.0	0.2			
02/06/2013											
02/06/2011 TO	8	29	0	37	0.1	0.4	0.0	0.3			
02/06/2012											
Total:	11	42	0	53	0.1	0.3	0.0	0.3			



MCMIS

Motor Carrier Management
Information System

Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
Doing Business As:
USDOT #: 954187
Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years (from the Date of the Carrier Profile)

The report shows all inspections for at least one year (a year is defined as a total of 12 months of data previous to the date of the report).
For a Motor Carrier involved in less than 50 inspections in the requested year - the report will show inspections for the previous year up to a maximum of 50 inspections.

Post Crash Violations are not included in SMS calculations.

1 Out-of-Service Violation			2 Post Crash Violation			3 Both Out-of-Service and Post Crash Violation		
Inspection			Carrier/Vehicle			Driver		
Level	Date	Time	State	Report #	HM	Name	Driver Name	State
County	Location					City	Driver License #	Driver DOB
2	02/02/2013	07:31	NY	1103011462		FUNG WAH BUS TRANSPORTATION INC		
	NEW YORK	CHRISTIE STREET			NO	BOSTON		
Unit #:	1	Unit Type:	MC	License #:	MA-83553	VIN: YE2CC13B812045268		
Total	000S	0						
3	02/01/2013	17:03	MA	BS00004075		FUNG WAH BUS TRANSPORTATION INC		
	SUFFOLK	S-BOSTON			NO	BOSTON		
Unit #:	1	Unit Type:	MC	License #:	MA-85298	VIN: YE2CC13B412045154		
Total	000S	0						
3	02/01/2013	16:11	MA	BS00004073		FUNG WAH BUS TRANSPORTATION INC		
	SUFFOLK	S-BOSTON			NO	BOSTON		
Unit #:	1	Unit Type:	MC	License #:	MA-85964	VIN: YE2CC13B632045420		
Total	000S	0						
3	01/26/2013	14:01	MA	AM00009050		FUNG WAH BUS TRANSPORTATION INC		
	WORCESTER	H-STURBRIDGE			NO	BOSTON		
Unit #:	1	Unit Type:	BU	License #:	MA-83553	VIN: YE2CC13B812045268		
Total	100S	0D SPEDNG						
3	01/12/2013	11:13	MA	MM00013360		FUNG WAH BUS TRANSPORTATION INC		
	SUFFOLK	H-BOSTON			NO	BOSTON		
Unit #:	1	Unit Type:	MC	License #:	MA-85454	VIN: YE2CC12B722045846		
Total	000S	0						



MCMIS

Motor Carrier Management
Information System

Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
Doing Business As:
USDOT #: 954187
Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years
(from the Date of the Carrier Profile)

Inspection										Driver		
Level	Date	Time	State	Report #	HM	Name	City	State	Driver License #	Driver Name	State	Driver DOB
2	01/12/2013	09:00	MA	MM00013356		FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK	H-BOSTON			NO	BOSTON		MA				
	Unit #:	1	Unit Type:	MC		License #:		MA-83554	VIN:	YE2CC12B222045849		
	Total	000S	0									
3	01/05/2013	09:27	MA	AM00009033		FUNG WAH BUS TRANSPORTATION INC		MA				
	WORCESTER	H-STURBRIDGE			NO	BOSTON		MA				
	Unit #:	1	Unit Type:	BU		License #:		MA-85453	VIN:	YE2CC12B212045753		
	Total	100S	0D SPEDNG									
2	12/28/2012	18:21	MA	MM00013334		FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK	H-BOSTON			NO	BOSTON		MA				
	Unit #:	1	Unit Type:	MC		License #:		MA-83806	VIN:	YE2CC26B272046748		
	Total	000S	0									
2	12/28/2012	17:02	MA	MM00013333		FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK	H-BOSTON			NO	BOSTON		MA				
	Unit #:	1	Unit Type:	MC		License #:		MA-86735	VIN:	YE2CC2BB6C2046333		
	Total	000S	0									
3	12/22/2012	09:05	MA	BM00003932		FUNG WAH BUS TRANSPORTATION INC		MA				
	WORCESTER	H-STURBRIDGE			NO	BOSTON		MA				
	Unit #:	1	Unit Type:	MC		License #:		MA-85965	VIN:	YE2CC12B912045670		
	Total	300S	1D OTHDRV' D SPEDNG D OTHDRV									
2	12/13/2012	13:27	NY	MC29000422		FUNG WAH BUS TRANSPORTATION INC		MA				
	KINGS	HAMILTON AVE & RICHARDS ST	NO		BOSTON			MA				
	Unit #:	1	Unit Type:	MC		License #:		MA-APN83817	VIN:	YE2CC15BX52046005		
	Total	000S	0									

F M C S A

MCMIS

Motor Carrier Management
Information System

Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC

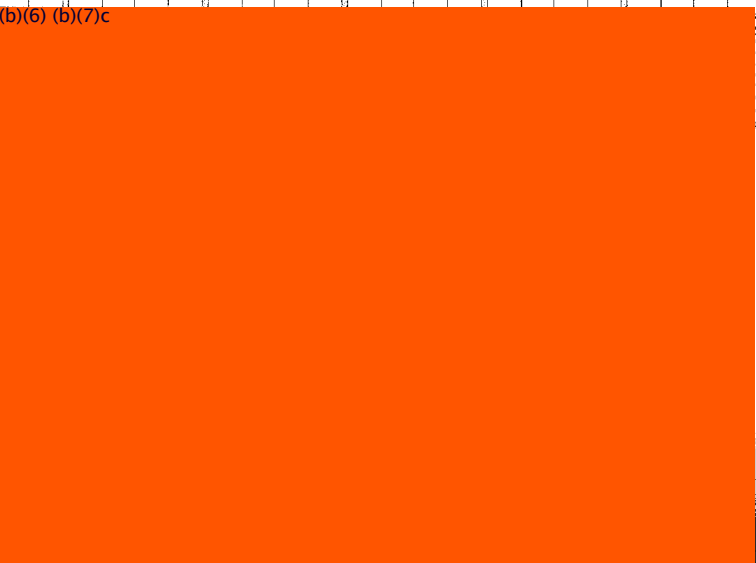
Doing Business As:

USDOT #: 954187

Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years
(from the Date of the Carrier Profile)

1 Out-of-Service Violation 2 Post Crash Violation 3 Both Out-of-Service and Post Crash Violation													
Inspection										Carrier/Vehicle		Driver	
Level	Date	Time	State	Report #	HM	Name	City	State	Driver License #	State	Driver Name	Driver DOB	
1 Out-of-Service Violation 2 Post Crash Violation 3 Both Out-of-Service and Post Crash Violation													
2	12/12/2012	18:23	NY	MC53000096		FUNG WAH BUS TRANSPORTATION INC							
	NEW YORK	PIKE ST			NO	BOSTON		MA					
	Unit #:	1	Unit Type: MC	License #:		MA-BU17456	VIN: YE2CC13B712045262						
	Total	0000S	0										
2	12/12/2012	06:30	NY	MC49000093		FUNG WAH BUS TRANSPORTATION INC							
	NEW YORK	CHINATOWN			NO	BOSTON		MA					
	Unit #:	1	Unit Type: MC	License #:		MA-83570	VIN: YE2CC13BX12045269						
	Total	0000S	0										
3	12/09/2012	08:42	MA	AJ00009563		FUNG WAH BUS TRANSPORTATION INC							
	SUFFOLK	H-BOSTON			NO	BOSTON		MA					
	Unit #:	1	Unit Type: MC	License #:		MA-85966	VIN: YE2CC12B912045667						
	Total	0000S	0										
2	12/08/2012	23:56	NY	MC14002379		FUNG WAH BUS TRANSPORTATION INC							
	NEW YORK	BOWERY ST & HESTER STREET			NO	BOSTON		MA					
	Unit #:	1	Unit Type: MC	License #:		MA-APN83569	VIN: YE2CC13B712045262						
	Total	0000S	0										
2	12/08/2012	00:20	NY	MC30000409		FUNG WAH BUS TRANSPORTATION INC							
	NEW YORK	BOWERY			NO	BOSTON		MA					
	Unit #:	1	Unit Type: MC	License #:		MA-85966	VIN: YE2CC12B912045667						
	Total	2000S	0D OTHHOS	1 LIGHTS									
3	11/25/2012	17:54	NY	MC14002365		FUNG WAH BUS TRANSPORTATION INC							
	NEW YORK	BOWERY STREET & HESTER ST			NO	BOSTON		MA					
	Unit #:	1	Unit Type: MC	License #:		MA-85967	VIN: YE2CC12B712045666						
	Total	0000S	0										
												Company:	108





Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name:

FUNG WAH BUS TRANSPORTATION INC

Doing Business As:

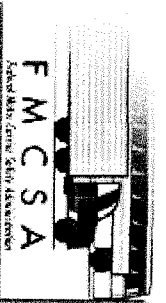
USDOT #: 954187

Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years (from the Date of the Carrier Profile)

1 Out-of-Service Violation 2 Post Crash Violation 3 Both Out-of-Service and Post Crash Violation												
Inspection												
Level	Date	Time	State	Report #	Carrier/Vehicle				Driver			
	County		Location		HM	Name	City	State	Driver License #	State	Driver Name	Driver DOB
2	10/27/2012	10:53	NY	1103011232		FUNG WAH BUS TRANSPORTATION INC		MA				
	NEW YORK		CHRISTIE STREET		NO	BOSTON						
	Unit #:	1	Unit Type: MC	License #:	MA-83821	VIN: YE2CC12BX12045757						
	Total	000S	0									
3	10/19/2012	20:10	MA	FB00005528		FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK		H-BOSTON		NO	BOSTON						
	Unit #:	1	Unit Type: MC	License #:	MA-83814	VIN: YE2CC29B6B2046966						
	Total	000S	0									
3	10/13/2012	12:25	NY	MC17001371		FUNG WAH BUS TRANSPORTATION INC		MA				
	NEW YORK		BOWERY		NO	BOSTON						
	Unit #:	1	Unit Type: BU	License #:	MA-83806	VIN: YE2CC26B272046748						
	Total	000S	0									
2	10/13/2012	11:00	NY	1106004683		FUNG WAH BUS TRANSPORTATION INC		MA				
	NEW YORK		BOWERY		NO	BOSTON						
	Unit #:	1	Unit Type: BU	License #:	MA-83817	VIN: YE2CC15BX52046005						
	Total	000S	0									
2	10/13/2012	10:57	NY	1103011173		FUNG WAH BUS TRANSPORTATION INC		MA				
	NEW YORK		BOWERY STREET		NO	BOSTON						
	Unit #:	1	Unit Type: MC	License #:	MA-83554	VIN: YE2CC12B222045849						
	Total	000S	0									
2	10/13/2012	10:53	NY	MC49000070		FUNG WAH BUS TRANSPORTATION INC		MA				
	NEW YORK		HESTER ST		NO	BOSTON						
	Unit #:	1	Unit Type: MC	License #:	MA-85281	VIN: YE2CC13B912045151						
	Total	400S	11	OTHER	D LOGVO	D MEDCRT	1 LIGHTS					
Company: 90												

(b)(6) (b)(7)(c)



MCMIS

Motor Carrier Management
Information System

Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name:

FUNG WAH BUS TRANSPORTATION INC

Doing Business As:

USDOT #: 954187

Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years

(from the Date of the Carrier Profile)

1 Out-of-Service Violation 2 Post Crash Violation 3 Both Out-of-Service and Post Crash Violation														
Inspection										Carrier/Vehicle			Driver	
Level	Date	Time	State	Report #	HM	Name	City	State	Driver License #	State	Driver Name	Driver DOB		
2														
	County		Location											
2	09/22/2012	08:12	MA	BH00008678		FUNG WAH BUS TRANSPORTATION INC		MA						
	SUFFOLK	H-BOSTON			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:	MA-83803	VIN: YE2CC26B962046681								
	Total	000S	0											
2														
	09/05/2012	16:12	MA	A100010768		FUNG WAH BUS TRANSPORTATION INC		MA						
	SUFFOLK	H-BOSTON/SOUTH STATION			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:	MA-83570	VIN: YE2CC13BX12045269								
	Total	400S	01 OTHER	1 EMRECP	1 LIGHTS	1 OTHER								
3														
	09/05/2012	15:44	MA	BS00003675		FUNG WAH BUS TRANSPORTATION INC		MA						
	SUFFOLK	S-BOSTON			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:	MA-85967	VIN: YE2CC12B712045666								
	Total	000S	0											
3														
	08/27/2012	12:58	NY	MC17001338		FUNG WAH BUS TRANSPORTATION INC		MA						
	NEW YORK	DELAVER ST			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:	MA-APN85298	VIN: YE2CC13B412045154								
	Total	000S	0											
2														
	08/27/2012	10:35	NY	MC47000046		FUNG WAH BUS TRANSPORTATION INC		MA						
	NEW YORK	RED HOOK			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:	MA-85964	VIN: YE2CC13B632045420								
	Total	000S	0											
3														
	08/24/2012	10:15	CT	MV03801214		FUNG WAH BUS TRANSPORTATION INC		MA						
	TOLLAND	WILLINGTON			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:	MA-85963	VIN: YE2TA62B2W2040532								
	Total	100S	0D SPEDNG											
Company: 70														

(b)(6) (b)(7)c

Company:

70



MCMIS

Motor Carrier Management
Information System

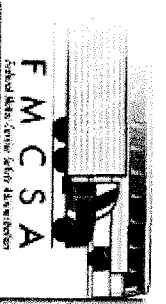
Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
Doing Business As:
USDOT #: 954187
Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years
(from the Date of the Carrier Profile)

1 Out-of-Service Violation 2 Post Crash Violation 3 Both Out-of-Service and Post Crash Violation									
Inspection							Carrier/Vehicle		
Level	Date	Time	State	Report #	Name		Driver		
County		Location	HM	City			State	Driver License #	Driver Name
5	08/23/2012	10:30	MA	ZL00001502	FUNG WAH BUS TRANSPORTATION INC				
SUFFOLK		H-BOSTON	NO		BOSTON			MA	
Unit #:		1 Unit Type:	MC	License #:	MA-APP83963			VIN:	YE2TA62B2W2040532
Total 500S		21 FRAMES ¹	1 EXHST ¹	1 LDSECR	1 EMREOP	1 OTHER	Company: 70		
5	08/23/2012	09:25	MA	ZL00001501	FUNG WAH BUS TRANSPORTATION INC				
SUFFOLK		H-BOSTON	NO		BOSTON			MA	
Unit #:		1 Unit Type:	MC	License #:	MA-APP86736			VIN:	YE2CC2BB4C2046332
Total 400S		01 EMREOP	1 LDSECR	1 OTHER	1 OTHER			Company: 132	
5	08/23/2012	08:30	MA	ZL00001500	FUNG WAH BUS TRANSPORTATION INC				
SUFFOLK		H-BOSTON	NO		BOSTON			MA	
Unit #:		1 Unit Type:	MC	License #:	MA-APP86735			VIN:	YE2CC2BB6C2046333
Total 200S		01 EMREOP	1 LDSECR	Company: 136					
2	08/22/2012	16:09	MA	BS00003632	FUNG WAH BUS TRANSPORTATION INC				
SUFFOLK		S-BOSTON	NO		BOSTON			MA	
Unit #:		1 Unit Type:	MC	License #:	MA-83554			VIN:	YE2CC12B222045849
Total 100S		01 OTHER							
2	08/18/2012	10:51	NY	MC34000040	FUNG WAH BUS TRANSPORTATION INC				
NEW YORK		CHINATOWN	NO		BOSTON			MA	
Unit #:		1 Unit Type:	MC	License #:	MA-83805			VIN:	YE2CC26B472046749
Total 100S		01 OTHER							
2	08/18/2012	08:51	MA	BI00006418	FUNG WAH BUS TRANSPORTATION INC				
SUFFOLK		H-BOSTON	NO		BOSTON			MA	
Unit #:		1 Unit Type:	MC	License #:	MA-85964			VIN:	YE2CC13B632045420
Total 000S		0	Company: 80						



MCMIS

Motor Carrier Management
Information System

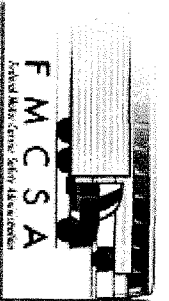
Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
Doing Business As:
USDOT #: 954187
Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years (from the Date of the Carrier Profile)

1 Out-of-Service Violation				2 Post Crash Violation				3 Both Out-of-Service and Post Crash Violation			
Inspection				Carrier/Vehicle				Driver			
Level	Date	Time	State	Report #	HM	Name	City	State	Driver Name	Driver License #	State
3	08/14/2012	08:10	CT	MV03801194		FUNG WAH BUS TRANSPORTATION INC		MA			
	TOLLAND	WILLINGTON			NO	BOSTON		MA			
	Unit #:	1	Unit Type: MC	License #:		MA-83816	VIN: YE2CC12B242045983				
	Total	200S	1D OTHDRV	D SPEDNG							
2	08/04/2012	10:57	NY	1103010931		FUNG WAH BUS TRANSPORTATION INC		MA			
	NEW YORK	HESTER STREET			NO	BOSTON		MA			
	Unit #:	1	Unit Type: MC	License #:		MA-83821	VIN: YE2CC12BX12045757				
	Total	000S	0								
2	08/04/2012	10:45	NY	1106004552		FUNG WAH BUS TRANSPORTATION INC		MA			
	NEW YORK	BOWERY			NO	BOSTON		MA			
	Unit #:	1	Unit Type: BU	License #:		MA-83820	VIN: YE2CC12B122045857				
	Total	000S	0								
2	07/22/2012	06:46	MA	A100010651		FUNG WAH BUS TRANSPORTATION INC		MA			
	SUFFOLK	H-BOSTON/SOUTH STATION			NO	BOSTON		MA			
	Unit #:	1	Unit Type: BU	License #:		MA-83803	VIN: YE2CC26B962046681				
	Total	000S	0								
2	07/18/2012	15:33	MA	A100010632		FUNG WAH BUS TRANSPORTATION INC		MA			
	SUFFOLK	H-BOSTON			NO	BOSTON		MA			
	Unit #:	1	Unit Type: BU	License #:		MA-85452	VIN: YE2CC12B912045619				
	Total	000S	0								
5	06/20/2012	09:11	MA	ZL00001466		FUNG WAH BUS TRANSPORTATION INC		MA			
	SUFFOLK	S-BOSTON			NO	BOSTON		MA			
	Unit #:	1	Unit Type: MC	License #:		MA-APN85280	VIN: YE2CC21BXV2045534				
	Total	000S	0								



Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name:

FUNG WAH BUS TRANSPORTATION INC

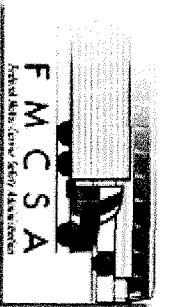
Doing Business As:

USDOT #: 954187

Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years (from the Date of the Carrier Profile)

Inspection				Carrier/Vehicle		Driver		
Level	Date	Time	State	Report #	HM	Name	City	State
5	06/20/2012	08:20	MA	ZL00001465	NO	FUNG WAH BUS TRANSPORTATION INC		MA
	SUFFOLK	S-BOSTON						
	Unit #:	1	Unit Type: MC	License #:		MA-APN85298	VIN: YE2CC13B412045154	
	Total	000S	0					92
3	06/09/2012	09:57	NY	MC17001300	NO	FUNG WAH BUS TRANSPORTATION INC		MA
	NEW YORK	DIVISION ST						
	Unit #:	1	Unit Type: MC	License #:		MA-83554	VIN: YE2CC12B222045849	
	Total	000S	0					76
5	05/31/2012	11:29	MA	ZL00001461	NO	FUNG WAH BUS TRANSPORTATION INC		MA
	SUFFOLK	S-BOSTON						
	Unit #:	1	Unit Type: MC	License #:		MA-APP85962	VIN: YE2CC12B522204584	
	Total	200S	21 LIGHTS ¹	1 FRAMES ¹				62
5	05/31/2012	10:37	MA	ZL00001460	NO	FUNG WAH BUS TRANSPORTATION INC		MA
	SUFFOLK	S-BOSTON						
	Unit #:	1	Unit Type: MC	License #:		MA-APP85964	VIN: YE2CC13B632045420	
	Total	000S	0					80
5	05/31/2012	09:37	MA	ZL00001459	NO	FUNG WAH BUS TRANSPORTATION INC		MA
	SUFFOLK	S-BOSTON						
	Unit #:	1	Unit Type: MC	License #:		MA-APP83814	VIN: YE2CC29B6B2046966	
	Total	100S	01 OTHER					130
5	05/31/2012	08:47	MA	ZL00001458	NO	FUNG WAH BUS TRANSPORTATION INC		MA
	SUFFOLK	S-BOSTON						
	Unit #:	1	Unit Type: MC	License #:		MA-APP83553	VIN: YE2CC13B812045268	
	Total	400S	01 EMREOP	1 BRKOTH	1 BRKOTH	1 OTHER		78



Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC

Doing Business As:

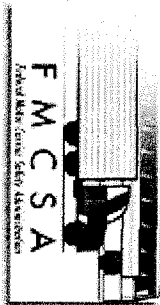
USDOT #: 954187

Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years

(from the Date of the Carrier Profile)

1 Out-of-Service Violation 2 Post Crash Violation 3 Both Out-of-Service and Post Crash Violation														
Inspection										Carrier/Vehicle			Driver	
Level	Date	Time	State	Report #		Name	City	State	Driver License #	State	Driver Name	Driver DOB		
	County		Location		HM									
5	05/31/2012	08:00	MA	ZL00001457		FUNG WAH BUS TRANSPORTATION INC		MA						
	SUFFOLK	S-BOSTON			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:		MA-APP83813	VIN: YE2CC29B0B2046963		Company:		128			
	Total	200S	01 OTHER	1 OTHER										
2	05/26/2012	10:30	NY	1017002115		FUNG WAH BUS TRANSPORTATION INC		MA						
	KINGS	MANHATTAN BRIDGE			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:		MA-83813	VIN: YE2CC29B0B2046963							
	Total	000S	0											
2	05/20/2012	15:47	NY	MC17001284		FUNG WAH BUS TRANSPORTATION INC		MA						
	NEW YORK	BOWERY			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:		MA-85281	VIN: YE2CC13B912045151							
	Total	400S	21 OTHER ¹	1 OTHER ¹	D LOGVIO	1 LIGHTS								
3	05/20/2012	15:21	NY	MC17001283		FUNG WAH BUS TRANSPORTATION INC		MA						
	NEW YORK	BOWERY			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:		MA-83554	VIN: YE2CC12B222045849							
	Total	000S	0											
3	05/19/2012	07:15	MA	BK00005956		FUNG WAH BUS TRANSPORTATION INC		MA						
	SUFFOLK	H-BOSTON			NO	BOSTON								
	Unit #:	1	Unit Type: BU	License #:		MA-BU18636	VIN: YE2CC12B912045670							
	Total	000S	0											
2	05/17/2012	16:08	MA	BI00006091		FUNG WAH BUS TRANSPORTATION INC		MA						
	SUFFOLK	H-BOSTON			NO	BOSTON								
	Unit #:	1	Unit Type: MC	License #:		MA-APN83803	VIN: YE2CC26B962046681		Company:		122			
	Total	100S	01 OTHER											



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Motor Carrier Management
Information System

Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC

Doing Business As:

954187

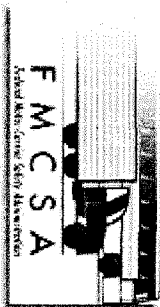
Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years

(from the Date of the Carrier Profile)

¹ Out-of-Service Violation ² Post Crash Violation ³ Both Out-of-Service and Post Crash Violation

Inspection				Carrier/Vehicle				Driver	
Level	Date	Time	State	Report #	HM	Name	City	State	Driver Name
3	05/16/2012	21:34	NY	SPT0170655	NO	FUNG WAH BUS TRANSPORTATION INC	BOSTON	MA	(b)(6) (b)(7)(C)
WESTCHESTER/NEW ROCHELLE TOLL									
Unit #:	1	Unit Type:	MC	License #:	MA-83814	VIN:	YE2CC29B6B2046966		
Total	1	00S	0D SPEDNG						
3	05/05/2012	09:31	MA	A100010374	NO	FUNG WAH BUS TRANSPORTATION INC	BOSTON	MA	(b)(6) (b)(7)(C)
SUFFOLK H-BOSTON/SOUTH STATION									
Unit #:	1	Unit Type:	MC	License #:	MA-BU20859	VIN:	YE2CC12BX12045757		
Total	0	00S							
5	04/25/2012	11:08	MA	ZL00001423	NO	FUNG WAH BUS TRANSPORTATION INC	BOSTON	MA	
SUFFOLK S-BOSTON									
Unit #:	1	Unit Type:	MC	License #:	MA-APN85455	VIN:	YE2TA62B2W2040529		
Total	2	00S	11 FRAMES ¹	1 LIGHTS					
5	04/25/2012	10:20	MA	ZL00001422	NO	FUNG WAH BUS TRANSPORTATION INC	BOSTON	MA	
SUFFOLK S-BOSTON									
Unit #:	1	Unit Type:	MC	License #:	MA-APN85452	VIN:	YE2CC12B912045619		
Total	3	00S	01 BRKADJ	1 BRKOTH	1 WHEELS				
5	04/25/2012	09:34	MA	ZL00001421	NO	FUNG WAH BUS TRANSPORTATION INC	BOSTON	MA	
SUFFOLK S-BOSTON									
Unit #:	1	Unit Type:	MC	License #:	MA-APN85453	VIN:	YE2CC12B212045753		
Total	2	00S	01 EMRECP	1 FRAMES					
5	04/25/2012	08:46	MA	ZL00001420	NO	FUNG WAH BUS TRANSPORTATION INC	BOSTON	MA	
SUFFOLK S-BOSTON									
Unit #:	1	Unit Type:	MC	License #:	MA-APN85281	VIN:	YE2CC13B912045151		
Total	2	00S	01 OTHER	1 OTHER					



Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Legal Name:

FUNG WAH BUS TRANSPORTATION INC

Company Safety Profile

Doing Business As:

954187

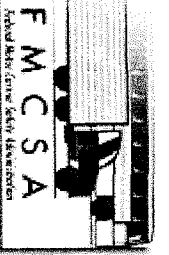
USDOT #:

Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years
(from the Date of the Carrier Profile)

¹ Out-of-Service Violation ² Post Crash Violation ³ Both Out-of-Service and Post Crash Violation

Inspection										Carrier/Vehicle			Driver		
Level	Date	Time	State	Report #	HM	Name	City	State	Driver License #	State	Driver Name	State	Driver DOB		
5	04/25/2012	08:00	MA	ZL00001419		FUNG WAH BUS TRANSPORTATION INC									
	SUFFOLK	S-BOSTON			NO	BOSTON		MA							
	Unit #:	1 Unit Type:	MC	License #:		MA-APN83803		VIN:			Company:	122			
	Total	200S	01 OTHER	1 OTHER											
3	04/24/2012	19:20	NY	MC19001518		FUNG WAH BUS TRANSPORTATION INC									
	NEW YORK	BOWERY ST			NO	BOSTON		MA							
	Unit #:	1 Unit Type:	MC	License #:		MA-BU18044		VIN:	YE2CC12B222045849						
	Total	100S	1D OTHDRV												
2	04/24/2012	06:12	MA	BK00005895		FUNG WAH BUS TRANSPORTATION INC									
	SUFFOLK	H-BOSTON			NO	BOSTON		MA							
	Unit #:	1 Unit Type:	BU	License #:		MA-17456		VIN:	YE2CC13B712045262						
	Total	200S	01 OTHER	1 OTHER											
3	04/20/2012	18:47	NY	MC14002188		FUNG WAH BUS TRANSPORTATION INC									
	NEW YORK	BOWERY ST & HESTER STREET			NO	BOSTON		MA							
	Unit #:	1 Unit Type:	MC	License #:		MA-85963		VIN:	YE2TA62B2W2040532						
	Total	000S	0												
2	04/12/2012	16:16	MA	BI00005973		FUNG WAH BUS TRANSPORTATION INC									
	SUFFOLK	H-BOSTON			NO	BOSTON		MA							
	Unit #:	1 Unit Type:	MC	License #:		MA-BU17456		VIN:	YE2CC13B712045262						
	Total	200S	01 OTHER	1 LIGHTS											
2	04/09/2012	09:05	NY	1104008292		FUNG WAH BUS TRANSPORTATION INC									
	NEW YORK	6TH AVE			NO	BOSTON		MA							
	Unit #:	1 Unit Type:	MC	License #:		MA-BU18636		VIN:	YE2CC12B912045670		Company:	96			
	Total	100S	0D LOGVIO												



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Motor Carrier Management
Information System

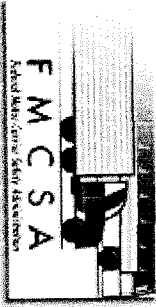
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Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
Doing Business As:
USDOT #: 954187
Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years
(from the Date of the Carrier Profile)

1 Out-of-Service Violation		2 Post Crash Violation		3 Both Out-of-Service and Post Crash Violation		Carrier/Vehicle				Driver		
Level	Date	Time	State	Report #	HM	Name	City	State	Driver License #	Driver Name	State	Driver DOB
	County		Location									
5	03/21/2012	11:42	MA	ZL00001379	NO	FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK	S-BOSTON				BOSTON						
	Unit #:	1 Unit Type:	MC	License #:		MA-APP85967	VIN: YE2CC12B712045666		Company:		108	
	Total	200S	21 FRAMES	1 FRAMES								
5	03/21/2012	10:30	MA	ZL00001378	NO	FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK	S-BOSTON				BOSTON						
	Unit #:	1 Unit Type:	MC	License #:		MA-APP85454	VIN: YE2CC12B722045846		Company:		66	
	Total	300S	01 FRAMES	1 OTHER	1 LIGHTS							
5	03/21/2012	09:39	MA	ZL00001377	NO	FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK	S-BOSTON				BOSTON						
	Unit #:	1 Unit Type:	MC	License #:		MA-APP83821	VIN: YE2CC12BX12045757		Company:		38	
	Total	100S	01 OTHER									
5	03/21/2012	08:50	MA	ZL00001376	NO	FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK	S-BOSTON				BOSTON						
	Unit #:	1 Unit Type:	MC	License #:		MA-APP85965	VIN: YE2CC12B912045670		Company:		96	
	Total	400S	01 OTHER	1 OTHER	1 FRAMES	1 OTHER						
5	03/21/2012	08:00	MA	ZL00001375	NO	FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK	S-BOSTON				BOSTON						
	Unit #:	1 Unit Type:	MC	License #:		MA-APP83804	VIN: YE2CC22BX42045977		Company:		406	
	Total	300S	01 OTHDRV	1 LIGHTS	1 EMRECP							
2	02/28/2012	15:41	MA	BS00002934	NO	FUNG WAH BUS TRANSPORTATION INC		MA				
	SUFFOLK	S-BOSTON				BOSTON						
	Unit #:	1 Unit Type:	MC	License #:		MA-83803	VIN: YE2CC26B962046681		Company:		122	
	Total	100S	0D SEATBT									



MCMIS

Motor Carrier Management
Information System

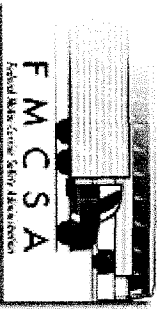
Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC
Doing Business As:
USDOT #: 954187
Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years (from the Date of the Carrier Profile)

Inspection										Driver	
Level	Date	Time	State	Location	Report #	HM	Carrier/Vehicle	Name	City	State	Driver Name
2	02/25/2012	15:53	NY	MC19001459		NO	FUNG WAH BUS TRANSPORTATION INC			MA	
	NEW YORK	BOWERY ST									
	Unit #:	1	Unit Type:	MC			MA-85280		VIN: YE2CC21BXY2045534		
	Total	100S	0D	OTHDV							
2	02/25/2012	08:54	NY	1017001760		NO	FUNG WAH BUS TRANSPORTATION INC			MA	
	KINGS	MANHATTAN BRIDGE									
	Unit #:	1	Unit Type:	MC			MA-85455		VIN: YE2TA62B2W2040529		
	Total	000S	0								
2	02/17/2012	16:19	NY	MC19001449		NO	FUNG WAH BUS TRANSPORTATION INC			MA	
	NEW YORK	DIVISION ST									
	Unit #:	1	Unit Type:	BU			MA-85453		VIN: YE2CC12B212045753		
	Total	000S	0								
5	02/15/2012	11:30	MA	ZL00001348		NO	FUNG WAH BUS TRANSPORTATION INC			MA	
	NORFOLK	S-BRAINTREE									
	Unit #:	1	Unit Type:	MC			MA-APN83806		VIN: YE2CC26B272046748		
	Total	300S	01	LIGHTS	1	OTHER					
5	02/15/2012	10:40	MA	ZL00001347		NO	FUNG WAH BUS TRANSPORTATION INC			MA	
	NORFOLK	S-BRAINTREE									
	Unit #:	1	Unit Type:	MC			MA-APN83816		VIN: YE2CC12B242045983		
	Total	400S	01	OTHER	1	WHEELS	1	WINDSHL	1	OTHER	
5	02/15/2012	09:45	MA	ZL00001346		NO	FUNG WAH BUS TRANSPORTATION INC			MA	
	NORFOLK	S-BRAINTREE									
	Unit #:	1	Unit Type:	MC			MA-APN83570		VIN: YE2CC13BX12045269		
	Total	100S	01	WHEELS							



MCMIS

Motor Carrier Management
Information System

Selection Criteria:
Crash Sum Date: 02/06/2011 To 02/06/2013
Crash Detail Date: 02/06/2012 To 02/06/2013
Insp Sum Date: 02/06/2011 To 02/06/2013
Insp Detail Date: 02/06/2012 To 02/06/2013
Inspection: All

Company Safety Profile

Legal Name: FUNG WAH BUS TRANSPORTATION INC

Doing Business As:

USDOT #: 954187

Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years
(from the Date of the Carrier Profile)

¹ Out-of-Service Violation ² Post Crash Violation ³ Both Out-of-Service and Post Crash Violation

Inspection										Carrier/Vehicle			Driver		
Level	Date	Time	State	Report #	HM	Name	City	State	Driver License #	State	Driver DOB				
	County		Location												
5	02/15/2012	08:55	MA	ZL00001345		FUNG WAH BUS TRANSPORTATION INC		MA							
	NORFOLK	S-BRAINTREE		NO		BOSTON		MA							
	Unit #:	1 Unit Type: MC	License #:	MA-APN83569		VIN: YE2CC13B712045262			Company:	86					
	Total	500S	21 FRAMES¹	1 FRAMES¹	1 WHEELS	1 OTHER	1 OTHER								
5	02/15/2012	08:00	MA	ZL00001344		FUNG WAH BUS TRANSPORTATION INC		MA							
	NORFOLK	S-BRAINTREE		NO		BOSTON		MA							
	Unit #:	1 Unit Type: MC	License #:	MA-APN83817		VIN: YE2CC15BX52046005			Company:	118					
	Total	500S	11 FRAMES¹	1 LIGHTS	1 LIGHTS	1 OTHER	1 EXHST								
3	02/12/2012	11:00	NY	MC18001471		FUNG WAH BUS TRANSPORTATION INC		MA							
	NEW YORK	83 BOWERY ST		NO		BOSTON		MA							
	Unit #:	1 Unit Type: MC	License #:	MA-85962		VIN: YE2CC12B522045845			Company:						
	Total	000S	0												

EXHIBIT B

SUBJECT : Fung Wah Bus Transportation, Inc.

CASE NUMBER : MA-2013-0046-US1350

DOCUMENTS:

Documents establish, and provide reference for, the identification of company drivers and all vehicles used by Fung Wah Bus Transportation, Inc. during the previous twelve months.

1. Fung Wah Bus Transportation, Inc. Current Driver's List (2 pgs), renewed 01/23/2012.
2. Fung Wah Bus Transportation, Inc. Terminated Driver's List, not dated.
3. Fung Wah Bus Transportation, Inc. Registration of Vehicle's List, dated Jan-13.

REMARKS:

Both the current and terminated driver lists verify the driver names in the English and Chinese Languages, their social security numbers, license numbers and State, birth dates, and dates of hire, medical examiner's certificate expiration dates and/or termination dates, if applicable for each driver. The vehicle list provides a description of their commercial motor vehicles with the make, vehicle identification numbers, bus numbers, wheel chair equipped, and their Massachusetts IRP plate numbers.

Fung Wah Bus Drivers		Renewed 1/23/2013							
	Name	中文名	S.S. #	License No	Exp.Date	Birth Date	Medical Exp	Dates of hire	State
1	(b)(6) (b)(7)c				(b)(6) (b)(7)c	(b)(6) (b)(7)c	4/12/2013	(b)(6) (b)(7)c	NY
2							8/15/2013		NY
3							2/28/2013		NY
4							1/30/2014		NY
5							8/29/2014		NY
6							5/21/2014		NY
7							4/20/2014		NY
8							11/14/2013		NY
9							6/1/2014		NY
10							2/24/2013		NY
11							9/10/2014		NY
12							5/12/2013		NY
13							10/10/2014		NY
14							1/11/2013		MA
15							4/6/2014		NY
16							5/7/2013		NY
17							5/11/2013		NY
18							2/25/2014		NY
19							3/26/2013		NY
20							2/23/2014		NY
21							8/22/2013		NY
22							11/21/2013		NY
23							7/28/2014		NY
24							9/6/2014		NY

[illegible]

The Drivers doesn't work "Fung Wah Bus" any more

	Name	中文名	S.S. #	License No	Exp. Date	Birth Date	Medical Exp	Dates of hire	dates of termil	State
1	(b)(6) (b)(7)c						9/23/2012	(b)(6) (b)(7)c		NY
2							3/23/2014			NY
3							8/10/2013			NY
4							7/25/2012			NY
5							11/30/2013			NY
6							8/29/2013			NY
7							7/25/2013			NY
8							8/11/2013			NY
9							6/8/2013			NY
10							3/7/2013			NY
11							11/7/2012			NY
12							6/17/2013			NY
13							7/10/2014			NY
14							9/11/2014			NY
15							3/30/2013			NY
16							3/24/2013			NY
18							5/1/2013			NY

Jan-13

Registration of Vehicles

#	Change	MAKE	ID NUMBER	BUS#	Chair	DEL Y	IRP.Plata	REG.Exp Date
1	7/1/2012	VANHOOL	YE2CC12BX12045757	38		2001	83821	Jun-13
2	7/1/2012	VANHOOL	YE2CC12B212045753	60		2001	85453	Jun-13
3	7/1/2012	VANHOOL	YE2CC12B522045845	62		2002	85962	Jun-13
4	7/1/2012	VANHOOL	YE2CC12B722045846	66		2002	85454	Jun-13
5	7/1/2012	VANHOOL	YE2TA62B2W2040529	68		1998	85455	Jun-13
6	7/1/2012	VANHOOL	YE2TA62B2W2040532	70		1998	85963	Jun-13
7	7/1/2012	VANHOOL	YE2CC12B122045857	72		2002	83820	Jun-13
8	7/1/2012	VANHOOL	YE2CC12B222045849	76		2002	83554	Jun-13
9	7/1/2012	VANHOOL	YE2CC13B812045268	78		2001	83553	Jun-13
10	7/1/2012	VANHOOL	YE2CC13B632045420	80		2003	85964	Jun-13
11	7/1/2012	VANHOOL	YE2CC13B712045262	86		2001	83569	Jun-13
12	7/1/2012	VANHOOL	YE2CC13BX12045269	88		2001	83570	Jun-13
13	7/1/2012	VANHOOL	YE2CC13B912045151	90		2001	85281	Jun-13
14	7/1/2012	VANHOOL	YE2CC13B412045154	92		2001	85298	Jun-13
15	7/1/2012	VANHOOL	YE2CC12B912045670	96		2001	85965	Jun-13
16	7/1/2012	VANHOOL	YE2CC12B912045619	98		2001	85452	Jun-13
17	7/1/2012	VANHOOL	YE2CC21BX12045534	102	W	2000	85280	Jun-13
18	7/1/2012	VANHOOL	TE2CC12B912045667	106		2001	85966	Jun-13
19	7/1/2012	VANHOOL	YE2CC12B712045666	108		2001	85967	Jun-13
20	7/1/2012	VANHOOL	YE2CC26B472046749	112	W	2007	83805	Jun-13
21	7/1/2012	VANHOOL	YE2CC26B272046748	116	W	2007	83806	Jun-13
22	7/1/2012	VANHOOL	YE2CC15BX52046005	118		2005	83817	Jun-13
23	7/1/2012	VANHOOL	YE2CC12B242045983	120		2004	83816	Jun-13
24	7/1/2012	VANHOOL	YE2CC26B962046681	122	W	2006	83803	Jun-13
25	7/1/2012	VANHOOL	YE2CC22BX42045977	126	W	2004	83804	Jun-13
26	7/1/2012	VANHOOL	YE2CC29B0B2046963	128		2011	83813	Jun-13
27	7/1/2012	VANHOOL	YE2CC29B6B2046966	130		2011	83814	Jun-13
28	8/3/2012	VANHOOL	YE2CC2BB4C2046332	132		2012	86736	Jun-13
29	8/3/2012	VANHOOL	YE2CC2BB6C2046333	136		2012	86735	Jun-13

EXHIBIT C

SUBJECT : Fung Wah Bus Transportation, Inc.

CASE NUMBER : MA-2013-0046-US1350

DOCUMENTS:

Documents establish Fung Wah Bus Transportation, Inc. has knowledge of and is familiar with the Federal Motor Carrier Safety Regulations (FMCSRs) regarding the administration of their required DOT Controlled Substances and Alcohol Testing Program. The carrier is using a service agent, St. Louis MRO, Inc. to assist them in administering their program.

1. A copy of Fung Wah Bus Transportation, Inc's Letter of Enrollment in St. Louis MRO, Inc's Lancer Consortium since Year 2006 to current, dated 01/30/2013.
2. A copy of Fung Wah Bus Transportation, Inc's Current Drug & Alcohol Testing Policy (10 pgs), not dated.

REMARKS:

The Letter of Enrollment and the motor carrier's drug & alcohol testing policy support those violations of Part 382 discovered during the 02/06/2013 compliance review at Fung Wah Bus Transportation, Inc. and documented in this enforcement case report. These documents confirm the carrier's enrollment into St. Louis MRO, Inc's Lancer Consortium since Year 2006 to current.



1-30-2013

To Whom It May Concern:

Company:

Fung Wah Bus

25 Edinboro St. Third Floor

Boston, MA 02111

Is in a consortium: DOT-FMCSA

Lancer Consortium (Year 2006 to Current)

Random Selections are: **Quarterly**

Percentages are as specified by DOT.

Please contact us if you have any further questions.

Cordially,

St. Louis MRO, Inc.

Drugs and Alcohol Policy

Fung Wah Bus Transportation is dedicated to the health and safety of our drivers. Drug and or alcohol use may pose a serious threat to driver health and safety. Therefore, it is the policy of Our Company to prevent the use of drugs and abuse of alcohol from having an adverse effect on our drivers. The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations which require the company to implement an alcohol and controlled substances testing program. The purpose of the FMCSA issued regulations is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. Our company will comply with these regulations and is committed to maintaining a drug-free workplace. It is the policy of Our Company that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on the company premises, engaged in company business, operating company equipment, or while under the authority of Our Company is strictly prohibited. Disciplinary action will be taken as necessary.

Regulatory Requirements

All drivers who operate commercial motor vehicles that require a commercial driver's license under 49 CFR Part 383 are subject to the FMCSA's drug and alcohol regulations, 49 CFR Part 382.

Non-Regulatory Requirements

The Federal Motor Carrier Safety Regulations (FMCSRs) set the minimum requirements for testing. Our company's policy in certain instances may be more stringent. This policy will clearly define what is mandated by the FMCSRs and what company procedure is.

It is the company's responsibility to provide testing for the driver that is in compliance with all federal and state laws and regulations, and within the provisions of this policy. Our company will retain all records related to testing and the testing process in a secure and confidential matter.

Our Company's alcohol and drug program administrator who is designated to monitor, facilitate, and answer questions pertaining to these procedures is:

- St. Louis MRO

The driver is responsible for complying with the requirements set forth in this policy. The driver will not use, have possession of, abuse, or have the presence of alcohol or any controlled substance in excess of regulation established threshold levels while on duty. The driver will not use alcohol within 4 hours of performing a "safety-sensitive" function, while performing a "safety-sensitive" function, or immediately after performing a "safety-sensitive" function. All supervisors must make every effort to be aware of a

driver's condition at all times the driver is in service of the company. The supervisor must be able to make reasonable suspicion observations to determine if the driver is impaired in some way, and be prepared to implement the requirements of this policy if necessary.

Definitions

In accordance with FMCSA rules, urinalyses will be conducted to detect the presence of the following substances:

1. Marijuana
2. Cocaine
3. Opiates
4. Amphetamines
5. Phencyclidine (PCP).

Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA in accordance with the requirements established in 49 CFR, Section 40.87.

- Designated employer representative (DER) is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove drivers from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.
- Disabling damage means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.
- Drug means any substance (other than alcohol) that is a controlled substance as defined in this policy and 49 CFR Part 40.
- Evidential breathe testing device (EBT). A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.
- FMCSA means Federal Motor Carrier Safety Administration, U.S. Department of Transportation.
- Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.
- Screening test technician (STT). A person who instructs and assists employees in the alcohol testing process and operates an alcohol screening device (ASD).

Only authorized personnel will have access, and are the only individuals who can see or hear the test results. When the driver arrives at the testing site, the BAT or STT will ask for identification. The driver may ask the BAT or STT for identification.

The BAT or STT will then explain the testing procedure to the driver. The BAT or STT may only supervise one test at a time, and may not leave the testing site while the test is in progress.

A screening test is performed first. When a breath testing device is used, the mouthpiece of the breath testing device must be sealed before use, and opened in the driver's presence. Then the mouthpiece is inserted into the breath testing device. The driver must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breath has been obtained. Once the test is completed, the BAT must show the driver the results. The results may be printed on a form generated by the breath testing device or may be displayed on the breath testing device. If the breath testing device does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the alcohol testing form. If the breath testing device prints results, but not directly onto the form, the BAT must affix the printout to the alcohol testing form in the designated space.

When an alcohol screening device (ASD) is used, the screening test technician (STT) must check the device's expiration date and show it to the driver. A device may not be used after its expiration date. The STT will open an individually wrapped or sealed package containing the device in front of the driver and he/she will be asked to place the device in his/her mouth and use it in the manner described by the device's manufacturer.

If the driver declines to use the device, or in a case where the device doesn't activate, the STT must insert the device in the driver's mouth and use it in the manner described by the device's manufacturer. The STT must wear single-use examination gloves and must change the gloves following each test. When the device is removed from the driver's mouth, the STT must follow the manufacturer's instructions to ensure the device is activated.

If the procedures listed above can't be successfully completed, the device must be discarded and new test must be conducted using a new device. Again, the driver will be offered the choice of using the new device or having the STT use the device for the test. If the new test can't be successfully completed, the driver will be directed to immediately take a screening test using an evidential breath testing device (EBT).

The result displayed on the device must be read within 15 minutes of the test. The STT must show the driver the device and the it's reading and enter the result on the ATF. If the reading on the EBT or ASD is less than 0.02, both the driver and the BAT or STT must sign and date the result form. The form will then be confidentially forwarded to the company's designated employer representative (DER).

Circumstances for Testing

Pre-Employment Testing (Sec. 382.301): All driver applicants will be required to submit to and pass a urine drug test as a condition of employment.

Each driver applicant will be asked whether he/she has tested positive, or refused to test, on any pre-employment drug test administered by an employer to which the driver applicant applied for, but did not obtain, safety-sensitive transportation work during the past 2 years. If the driver applicant admits that he/she has tested positive, or refused to test, on any pre-employment drug test the driver applicant may not perform any safety-sensitive functions for the company until and unless the driver applicant documents successful completion of the return-to-duty process.

Job applicants, who are denied employment because of a positive test, may reapply for employment after 5 years.

Driver applicant drug testing shall follow the collection, chain-of-custody, and reporting procedures set forth in 49 CFR Part 40.

Our Company must contact the previous employer's testing program prior to using the driver and obtain the following information:

- the name and address of the program (usually the driver's prior and/or current employer);
- verification that the driver participates or participated in the program;
- verification that the program conforms with the required procedures set forth in 49 CFR Part 40;
- verification that the driver is qualified under this rule, including that the driver has not refused to submit to an alcohol or drug test;
- the date the driver was last tested for alcohol or drugs; and
- The results of any drug or alcohol test administered in the previous 6 months, and any violations of the alcohol misuse or drug use rules.

A pre-employment alcohol test will be conducted after our company has made a contingent offer of employment or transfer, subject to the individual passing the pre-employment alcohol test. All pre-employment alcohol tests will follow the alcohol testing procedures outlined in 49 CFR Part 40. The pre-employment alcohol test will be conducted before the first performance of safety-sensitive functions. An individual may not begin performing safety-sensitive functions until he/she has received a test result that indicates an alcohol concentration of less than 0.04.

Reasonable Suspicion Testing (Sec. 382.307): If the driver's supervisor or our company official designated to supervise drivers believes a driver is under the influence of alcohol or drugs, the driver will be required to undergo a drug and/or alcohol test. The basis for

this decision will be specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The driver's supervisor or our company official will immediately remove the driver from any and all safety-sensitive functions and take the driver or make arrangements for the driver to be taken to a testing facility. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not administer the alcohol test.

If an alcohol test is not administered within two hours following a reasonable suspicion determination, the program administrator will prepare and maintain a record stating the reasons why the test was not administered within 2 hours. If the test was not administered within 8 hours after a reasonable suspicion determination, all attempts to administer the test shall cease. A record of why the test was not administered must be prepared and maintained.

A written record of the observations leading to an alcohol or controlled substance reasonable suspicion test, signed by the supervisor or company official who made the observation, will be completed within 24 hours of the observed behavior or before the results of the alcohol or controlled substances test are released, whichever is first.

Post-Accident Testing (Sec. 382.303): Drivers are to notify our company as soon as possible if they are involved in an accident. According to FMCSA regulations (Sec. 382.303), if the accident involved:

- a fatality,
- bodily injury with immediate medical treatment away from the scene *and* the driver received a citation, or
- disabling damage to any motor vehicle requiring tow away *and* the driver received a citation

The driver will be tested for drugs and alcohol as soon as possible following the accident. The driver must remain readily available for testing. If the driver isn't readily available for alcohol and drug testing, he/she may be deemed as refusing to submit to testing. A driver involved in an accident may not consume alcohol for 8 hours or until testing is completed. If the alcohol test is not administered within 2 hours following the accident (enter your answer) will prepare a report and maintain a record stating why the test was not administered within two hours.

If the alcohol test is not administered within 8 hours following the accident, all attempts to administer the test will cease. A report and record of why the test was not administered will be prepared and maintained. The drug test must be administered within 32 hours of the accident. If the test could not be administered within 32 hours, all attempts to test the driver will cease.

Random Testing (Sec. 382.305): Our Company will conduct random testing for all drivers as follows:

- Our Company will use a company wide selection process based on a scientifically valid method, prescribed by FMCSA regulations.
- Our Company will use a consortium. The consortium will use a selection process based on a scientifically valid method, prescribed by FMCSA regulations.
- MRO will administer the random testing program, maintaining all pertinent records on random tests administered.

The random testing will be spread reasonably throughout the calendar year. All random alcohol and drug tests will be unannounced, with each driver having an equal chance of being tested each time selections are made. Driver may only be tested for alcohol while he/she is performing a safety-sensitive function, just before performing a safety-sensitive function, or just after completing a safety-sensitive function. Once notified that he/she has been randomly selected for testing, the driver must proceed immediately to St. Louis MRO.

Return to Duty Testing (Sec. 382.309): After failing an alcohol test, a driver must undergo a return-to-duty test prior to performing a safety-sensitive function. The test result must indicate a breath alcohol concentration of less than 0.02. After testing positive for a controlled substance, a driver must undergo a return-to-duty test prior to performing a safety-sensitive function. The test must indicate a verified negative result for drug use.

Follow-Up Testing (Sec. 382.311): Following the driver's violation of Part 382, Subpart B, the driver will be subject to follow-up testing. Follow-up testing will be unannounced. The number and frequency of such follow-up testing will be directed by the SAP, and consist of at least six tests in the first 12 months. Follow-up testing may be done for up to 60 months.

Dilute Specimens

If the MRO informs our company that a positive drug test was dilute, Our Company will simply treat the test as a verified positive test. Our company will not direct the employee to take another test based on the fact that the specimen was dilute. This is in accordance with §40.197. If the MRO directs the company to conduct a recollection under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL (see §40.155(c)), Our Company will do so *immediately*.

Such recollections will not be collected under direct observation, unless there is another basis for use of direct observation (see § 40.67 (b) and (c)). The following provisions apply to all tests that Our Company sends the driver for under the directive of the MRO:

- The employee is given the minimum possible advance notice that he or she must go to the collection site;
- The result of the retest taken under §40.197(b), and not a prior test, is accepted as the test result of record;

- If the result of the retest taken under §40.197(b) is also negative and dilute, Our Company will not make our employee take an additional test because the result was dilute. Provided, however, that if the MRO directs Our Company to conduct a recollection under direct observation under §40.197(b)(1), the company must immediately do so.
- If our employee declines to take a test as directed in accordance with §40.197(b), the employee has refused the test for purposes of this part and DOT agency regulations.

If the creatinine concentration of the dilute specimen is greater than 5 mg/dL, Our Company will direct our employee to take another test immediately under company policy in accordance with §40.197.

The following provisions apply to all retests that Our Company sends the driver for under company policy:

- Our employee is given the minimum possible advance notice that he or she must go to the collection site;
- The result of the retest taken under §40.197(b), and not a prior test, is accepted as the test result of record;
- If the result of the retest taken under §40.197(b) is also negative and dilute, Our Company will not make our employee take an additional test because the result was dilute. Provided, however, that if the MRO directs Our Company to conduct a recollection under direct observation under §40.197(b)(1), the company must immediately do so.
- If our employee declines to take a test as directed in accordance with §40.197(b), the employee has refused the test for purposes of this part and DOT agency regulations.

Alcohol Testing Procedures

Alcohol testing will be conducted at St. Louis MRO by a qualified breath alcohol technician (BAT) or screening test technician (STT), according to 49 CFR Part 40 procedures. Only products on the conforming products list (approved by the National Highway Traffic Safety Administration (NHTSA)) and Part 40 requirements will be utilized for testing under this policy. The testing will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results. When the driver arrives at the testing site, the BAT or STT will ask for identification. The driver may ask the BAT or STT for identification.

The BAT or STT will then explain the testing procedure to the driver. The BAT or STT may only supervise one test at a time, and may not leave the testing site while the test is in progress.

A screening test is performed first. When a breath testing device is used, the mouthpiece of the breath testing device must be sealed before use, and opened in the driver's presence. Then the mouthpiece is inserted into the breath testing device. The driver must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breath has been obtained. Once the test is completed, the BAT must show the driver the results. The results may be printed on a form generated by the breath testing device or may be displayed on the breath testing device. If the breath testing device does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the alcohol testing form. If the breath testing device prints results, but not directly onto the form, the BAT must affix the printout to the alcohol testing form in the designated space.

When an alcohol screening device (ASD) is used, the screening test technician (STT) must check the device's expiration date and show it to the driver. A device may not be used after its expiration date. The STT will open an individually wrapped or sealed package containing the device in front of the driver and he/she will be asked to place the device in his/her mouth and use it in the manner described by the device's manufacturer.

If the driver declines to use the device, or in a case where the device doesn't activate, the STT must insert the device in the driver's mouth and use it in the manner described by the device's manufacturer. The STT must wear single-use examination gloves and must change the gloves following each test. When the device is removed from the driver's mouth, the STT must follow the manufacturer's instructions to ensure the device is activated.

If the procedures listed above can't be successfully completed, the device must be discarded and new test must be conducted using a new device. Again, the driver will be offered the choice of using the new device or having the STT use the device for the test. If the new test can't be successfully completed, the driver will be directed to immediately take a screening test using an evidential breath testing device (EBT).

The result displayed on the device must be read within 15 minutes of the test. The STT must show the driver the device and the it's reading and enter the result on the ATF. If the reading on the EBT or ASD is less than 0.02, both the driver and the BAT or STT must sign and date the result form. The form will then be confidentially forwarded to the company's designated employer representative (DER).

If the reading on the EBT or ASD is 0.02 or more, a confirmation test must be performed. An EBT must be used for all confirmation tests. The test must be performed after 15 minutes have elapsed, but within 30 minutes of the first test. The BAT will ask the driver not to eat, drink, belch, or put anything into his/her mouth. These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result.

A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the driver's presence. If the results of the confirmation test and screening test are not the same the confirmation test will be used.

Laboratory analysis: As required by FMCSA regulations, only a laboratory certified by the Department of Health and Human Services (DHSS) to perform urinalysis for the presence of controlled substances will be retained by Our Company. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.

All specimens are required to undergo an initial screen followed by confirmation of all positive screen results.

Results: According to FMCSA regulation, the laboratory must report all test results directly to Our Company's medical review officer (MRO). All test results must be transmitted to the MRO in a timely manner, preferably the same day that the review by the certifying scientist is completed. All results must be reported.

The MRO is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted, or invalid drug test results. The MRO must determine whether alternate medical explanations could account for the test results. The MRO must also give the driver who has a positive, adulterated, substituted, or invalid drug test an opportunity to discuss the results prior to making a final determination. After the decision is made, the MRO must notify the DER.

If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested driver, the MRO shall contact the DER instructing him/her to contact the driver. The DER will arrange for the driver to contact the MRO before going on duty.

The MRO may verify a positive, adulterated, substituted, or invalid drug test without having communicated with the driver about the test results if:

- the driver expressly declines the opportunity to discuss the results of the test;
- neither the MRO or DER has been able to make contact with the driver for 10 days; or
- Within 72 hours after a documented contact by the DER instructing the driver to contact the MRO, the driver has not done so.

Split Sample: As required by FMCSA regulations, the MRO must notify each driver who has a positive, adulterated, substituted, or invalid drug test result that he/she has 72 hours to request the test of the split specimen. If the driver requests the testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis. Our company will pay for the testing of the split specimen.

Self-Identification Program

Our Company will not take disciplinary action against a driver who makes a voluntary admission of alcohol misuse or controlled substance use if:

8

to request the test of the split specimen. If the driver requests the testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis. Our company will pay for the testing of the split specimen.

Self-Identification Program

Our Company will not take disciplinary action against a driver who makes a voluntary admission of alcohol misuse or controlled substance use if:

- the admission is in accordance with the company's voluntary self-identification program;
- the driver does not self-identify in order to avoid Part 382 testing;
- the driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function; and
- the driver does not perform a safety-sensitive function until the company is satisfied that the driver has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

The driver will be allowed to return to safety-sensitive duties upon successful completion of an education or treatment program, as determined by a drug and alcohol abuse evaluation expert. Also, the driver must undergo:

- a return-to-duty test with a result indicating an alcohol concentration of less than 0.02; and/or
- A return-to-duty controlled substances test with a verified negative test result.

Discipline

Our company may not stand-down a driver before the MRO has completed his/her verification process unless the company has applied for and has received an FMCSA issued waiver. According to FMCSA regulation, no person who has failed an alcohol or drug test, or refused to test, will be allowed to perform safety-sensitive functions until the referral, evaluation, and treatment requirements have been complied with. The following company disciplinary measures apply to all reasonable suspicion, post-accident, and random tests.

I have read and understand the Drugs and Alcohol Policy.

Sign: X

Date: _____

EXHIBIT D

SUBJECT : Fung Wah Bus Transportation, Inc.

CASE NUMBER : MA-2013-0046-US1350

DOCUMENTS:

Documents affirms the violations discovered during the 02/06/2013 compliance review at Fung Wah Bus Transportation, Inc.

1. Carrier President Liang, Pei Lin's Statement, dated 02/06/2013.
2. CAPRI Table of Violations, review dated 02/06/2013.

REMARKS:

Fung Wah Bus Transportation, Inc. President's statement further supports the violations documented in this enforcement report. Also, the president's statement is witnessed and signed by Fung Wah Bus Transportation, Inc's Manager Chan, Yat Kuen (a.k.a. Andy). The Table One List of Violations account for the violation of those Part(s) of the regulations for which the motor carrier is being assessed a penalty. The documents that are being used to assess the carrier a penalty can be found in the numbered Exhibit Abstract 1-1, 2-1, 3-1 and 4-1.



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

50 Mall Rd, STE 212
Burlington, MA 01803
(781) 425-3210

Statement of Liang, Pei Lin

I, Liang, Pei Lin, President of Fung Wah Bus Transportation, Inc., voluntarily give the following statement to David M. West, who has identified himself as a Special Agent/Safety Investigator for the United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA). No threats or promises have been made to me in exchange for this statement.

I am aware that this compliance review was being conducted at this company and I am ultimately responsible for the areas surrounding USDOT compliance. I designated Manager Chan, Yat Kuen (A.K.A. Andy) and Office Personnel Shery Liu & Li Ly Li to participate during the compliance review on my behalf and they were authorized to provide all information and documentation collected during this compliance review. All of our motorcoach type vehicles have a gross vehicle weight rating (GVWR) of 26,001 pounds or more and are designed to transport 16 or more passengers (including the driver). As a result, these commercial motor vehicles (CMVs) require their operators to possess a valid Class B Commercial Driver's Licenses (CDL) with a Passenger Endorsement.

I received a copy of the compliance review report at the closeout session. I have been advised and I am aware that this review will result in a Proposed Safety Rating of Satisfactory. Also, I have been advised that the compliance review report contained citations of regulations that are deemed serious in nature and would result in penalties against the company. I was surprised to learn that the company has as many violations that were discussed during the closeout session of the compliance review. Corrective actions towards correcting those violations that were discovered will be initiated immediately.

In regards to those violations discovered in Part 382, specifically Fung Wah Bus Transportation, Inc. using a driver before the motor carrier has received a negative pre-employment controlled substance test result. We sent Driver (b)(6) (b)(7)c to take a DOT Pre-Employment Controlled Substances Test and his specimen was collected on 01/11/2013. We hired him on (b)(6) (b)(7)c and he drove on 01/13/2013 to operate a motorcoach #118 to transport passengers from New York, NY to Boston, MA and return. The Medical Review Officer (MRO) verified the results as negative on 01/14/2013. I realize now and understand how the violation was determined that Fung Wah Bus Transportation, Inc. used this driver before the motor carrier had received a negative pre-employment controlled substance test result. We will initiate corrective action immediately and ensure that this does not happen again in the future.

Also, specifically in regards to Fung Wah Bus Transportation, Inc. failing to conduct post accident alcohol testing on driver following a recordable crash. On 01/07/2013, our driver (b)(6) (b)(7)c was operating motorcoach #120 from Boston, MA to New York, NY transporting passengers as a line run. After unloading at our Canal Street location, (b)(6) (b)(7)c was taking the empty CMV to our parking lot at Brooklyn, NY to complete his day's work when the recordable crash occurred involving pedestrians in a crosswalk. Driver (b)(6) (b)(7)c received a citation within 8 hours of the occurrence under State or local law for a moving traffic violation (ticket #AAS0141400, Failing to Yield for Pedestrians in Crosswalk) arising from the accident and the accident involved bodily injury to any person who, as a result of the

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

50 Mall Rd, STE 212

Burlington, MA 01803

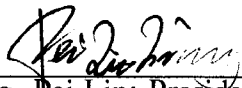
(781) 425-3210

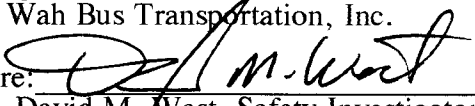
injury, immediately receives medical treatment away from the scene of the accident. Based upon this information, Fung Wah Bus Transportation, Inc. was required to conduct both a post accident drug and alcohol test upon driver, (b)(6) (b)(7)(c) Fung Wah Bus Transportation, Inc. failed to conduct post accident alcohol testing on the driver following the recordable crash. In the future, we will ensure that our drivers are tested as required, if applicable.

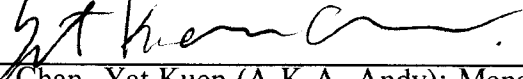
In regards to the violation discovered in Part 383, specifically Fung Wah Bus Transportation, Inc. operating a commercial motor vehicle (CMV) without a valid commercial driver's license (CDL), On 08/14/2012, Fung Wah Bus Transportation, Inc. allowed its driver, (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) to drive CMV #120 - MA Registration #83816, which has a gross vehicle weight rating of 26,001 lbs or more and is designed to transport 16 or more passengers (including the driver) in commerce from Boston, MA to New York, NY in violation of restrictions. At the time of this transportation, his New York State CDL (b)(6) (b)(7)(c) had a "B" restriction for corrective lenses and the driver was not wearing them as required when stopped for inspection. The driver had the glasses in his bag. We will ensure that this does not happen again.

In regards to the violation discovered in Part 390, specifically Fung Wah Bus Transportation, Inc. failing to maintain, for a period of three years after an accident occurs, an accident register. We did not have an accident register containing the required information as per 390.15 for our recordable crash that occurred on 01/07/2013 at the time of the review. We will initiate corrective action immediately and ensure that this does not occur again.

Considering the nature of my business and my dealing with the general public on a daily basis, I cannot afford to have my company/drivers in violation of the federal regulations. Now that these violations have been brought to my attention, I will ensure that Fung Wah Bus Transportation, Inc. does not use a driver before the motor carrier has received a negative pre-employment controlled substance test result; that we conduct post accident alcohol testing on driver following a recordable crash, if required; that we operate our CMVs with valid CDLs with proper endorsements and a better awareness of their given restrictions; and we will maintain an accident register for all recordable crashes. We will comply with the requirements of the Federal Motor Carrier Safety Regulations (FMCSRs). We have learned a lot from this compliance review and pride ourselves upon operating this business in compliance with all regulations Local, State and Federal. I have read the foregoing statement. It is true, accurate and complete to the best of my knowledge. I reviewed any changes and they bear my initials. I sign this statement under penalty of perjury and in the presence of...

Interviewee's Signature:  Date: 2-6-2013
Liang, Nei Lin; President
Fung Wah Bus Transportation, Inc. 02/06/2013

Safety Investigator's Signature:  Date: 2/6/13
David M. West, Safety Investigator
U.S. DOT/FMCSA 02/06/2013

Witness' Signature:  Date: 2/6/13
Chan, Yat Kuen (A.K.A. Andy); Manager
Fung Wah Bus Transportation, Inc. 02/06/2013



FUNG WAH BUS TRANSPORTATION INC
U.S. DOT #: 954187

Review Date:
02/06/2013

TABLE OF VIOLATIONS

Section #	Identifying Information	Violation Date
382.301(a)	(b)(6) (b)(7)C	1/13/2013
382.303(a)		1/7/2013
383.23(a)		8/14/2012
390.15(b)		1/7/2013

